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THE FEDERAL ELECTION BILL.

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MR. LODGE :

THE National Election Bill, as has been pointed out several times during the discussion which it has aroused, both in and out of Congress, is a long bill. Yet if any one will take the trouble to compare it with the general election laws of most, if not all, of the States, he will find that in its class it is more conspicuous for brevity than for length. The truth is that no election law which attempts to provide accurately for all the different stages of an election can be otherwise than long. At the same time, although it takes many paragraphs in a bill to state exactly how each act, great and small, having relation to an election shall be performed, it is perfectly easy to put into very few words the purpose of an election law and the methods by which it proposes to accomplish that purpose.

The first object of the National Election Law now under discussion is to secure entire publicity in regard to every act connected with the election of members of Congress. To effect this it provides for the appointment of United States officers, selected

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from the two leading political parties, to watch over and report upon naturalization, registration, the conduct of the election, the count of the ballots, and the certification of the members. These officers have no power whatever to interfere with local officers or existing methods. Their only duty is to protect the honest voter, secure evidence to punish wrong-doers, and make public every fact in connection with the election. The State systems, whether they provide for the secret and official ballot or otherwise, are all carefully protected under this law against any interference from United States officers. Moreover, if the officers of the United States at any election precinct exercise their powers improperly, the local officers are there to report their conduct. Thus is obtained a double assurance of publicity from two sets of men, among whom both the leading political parties are represented, without any interference with local officers or local systems.

At only one point does the United States take what may be called control of any essential step in the election of Representatives. Where an entire Congressional district is placed under the law, a United States Board of Canvassers appointed for the district receives the supervisors' returns, and on those returns issues a certificate to the candidate who appears to be elected. If that certificate agrees with the certificate of the State officers, the name of the candidate who holds them both is, of course, placed upon the roll of members of the House. If the two certificates disagree, then the certificate of the United States board is *primâ-facie* evidence and places the name of the holder upon the roll of Representatives; but in this case any candidate may appeal from the decision of the Board of Canvassers to the Circuit Court of the United States, which has power to set aside the certificate of the canvassers and virtually decide whose name shall be placed on the roll of the House. A candidate who is not willing to have his cause tried by a court of high jurisdiction must be hard to please, when we consider that the only other known method is that of a committee of Congress made up of party representatives.

Thus it will be seen that the whole purpose of this bill may be summed up in one word—"publicity." It proceeds on the sound American theory that all that is necessary, in the long run, to secure good government and to cure evils of any kind in the body politic is that the people should be correctly in-

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formed and should know all the facts. It proposes, therefore, by making public all the facts relating to elections, to protect the voters and to render easy the punishment of fraud. If wrong exists, it will disclose and punish it. If all is fair and honest, it proves that all is well, restores public confidence, and removes suspicion. There is absolutely nothing in this bill except provisions to secure the greatest amount of publicity in regard to elections and to protect the ballot-box by making sure the punishment of those who commit crimes against the suffrage. It interferes with no man's rights; it changes no local system; it disturbs no local officers; but it gives publicity to every step and detail of the election, and publicity is the best, as it is the greatest, safeguard that we can have in this country for good government and honest voting. No wrong can long continue when the people see and understand it, and nothing that is right and honest need fear the light. The Southern Democrats declare that the enforcement of this or any similar law will cause social disturbances and revolutionary outbreaks. As the negroes now disfranchised certainly will not revolt because they receive a vote, it is clear, therefore, that this means that the men who now rule in those States will make social disturbances and revolution in resistance to a law of the United States. It is also not a little amusing to observe that small portion of the newspaper press which has virtue generally in its peculiar keeping, raving in mad excitement merely because it is proposed to make public everything which affects the election of the representatives of the people in Congress. There must be something very interesting in the methods by which these guardians of virtue hope to gain and hold political power when they are so agitated at the mere thought of having the darkness which now overhangs the places where they win their victories dispersed.

So much for the purpose of the bill. A word now as to some of the objections which have been raised against it. The most common is that which is summed up in the phrase "force bill." There is nothing very novel in this epithet, for it can hardly be called an argument, or the suggestion of one. It proceeds on the old doctrine of giving a dog a bad name—a saying which is valuable, but perhaps a trifle musty. There was a bill introduced many years ago to which that description was applied not without effect; and the persons opposed to the present measure, whose

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strongest intellectual quality is not originality, brought out the old name without much regard to its appropriateness. The trouble with this is that the old bill and the present one are totally unlike, and that what applies to one has no application to the other except that they both aim to protect American voters in their rights. There is no question of force in the present bill. One able editor referred to it as "bristling with bayonets in every line"; but as there is absolutely no allusion to anything or anybody remotely connected with bayonets, it is to be feared that the able editor in question had not read the bill. So anxious, indeed, are the opponents of the measure on this point that, not finding any bayonets in the bill, they themselves have put them in rather than not have them in at all. One newspaper took a clause from the Revised Statutes of the United States relating to United States troops and printed it as a part of the Election Bill, although the bill contains no such clause, but merely reënacts a law which has been on the statute-books for twenty years, and which would have remained and been in force, whether reënacted or not, so long as it was not repealed.

The President of the United States has from the beginning of the government had power to use the army and navy in support of the laws of the United States, and this general power was explicitly conferred many years ago in that portion of the Revised Statutes which now comes under the title "Civil Rights." The present bill neither adds to nor detracts from that power, and as the liberties of the country have been safe under it for at least twenty years, it is not to be apprehended that they will now be in danger The fact is that the talk about this being a "force bill" and having bayonets in every line is mere talk designed to frighten the unwary, for the bill is really an "anti-force" bill, intended to stop the exercise of illegal force by those who use it at the polls North or South; and it is exactly this which the opponents of the bill dread. The United States have power to enforce all the laws which they make, whether they are laws regulating elections or for other purposes. That power the United States must continue to hold and to exercise when needful, and the National Election Law neither affects nor extends it in any way.

The objection next in popularity is that the measure is sectional, and not national. That this should be thought a valuable and important shibboleth only shows how men come to believe

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that there is real meaning in a phrase if they only shout it often enough and loudly enough. Repetition and reiteration are, no doubt, pleasant political exercises, but they do not alter facts. In the first place, if we look a little below the surface, it will be found that no more damaging confession could be made than this very outcry. The law when applied can have but one of two results. It will either disclose the existence of fraud, violence, or corruption in a district, or show that the election is fair and honest. If the latter proves to be the case, no one can or would object to any law which demonstrates it. If, on the other hand, fraud is disclosed, then the necessity of this legislation is proved. The Election Law is designed to meet and overcome fraud, force, or corruption, as the case may be, in elections anywhere and everywhere, and if it is sectional, it can only be so because fraudulent elections are sectional. Those who rave against the bill as sectional—that is, as directed against the South, for Southern and sectional appear to have become synonymous terms—admit by so doing that they have a monopoly of impure elections. If it were otherwise, the law, even when applied, would not touch them except to exhibit their virtues in a strong light.

In the sense, however, in which the charge of sectionalism is intended there is no truth in it. Why, it has been asked, did not the Republicans accept the amendment of Mr. Lehlbach, of New Jersey, and make the measure really national? The Lehlbach amendment, if adopted, would have made the bill universally compulsory, but would not have made it one whit more national than it now is. The clause on which the accusation of sectionalism rests is that which makes the application of the bill optional; but to make a measure optional is not to make it sectional. If everybody and every part of the country have the option, the bill is as broadly national as if every provision in it were compulsory. No one would think of calling the local-option liquor laws, which are not uncommon in the States, special and not general legislation; and it is equally absurd to call an election law containing the local-option principle sectional. A law which may be applied anywhere on the fulfilment of a simple and easily-fulfilled condition is as national and general as a law which must be applied everywhere, whether asked for or not.

Moreover, the origin of the legislation of which this is a mere

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continuance is the best proof of its national character. The original Supervisors' Law, of which this is an extension, was designed especially to meet the notorious frauds in the city of New York, and the present bill aims quite as much to cure frauds in the great cities of the North as in any part of the country. It is, indeed, the knowledge of this fact which sharpens the anguish of the Northern Democrats at what they pathetically call an invasion of State rights. It is not the peril of State rights which afflicts them, but the thought of an abridgement of those liberties with the ballot-box of which the performances in Hudson County, N. J., have afforded the most recent illustration. The South shouts loudest, but it is merely because the ruling statesmen there think they have most to lose by fair elections. What chiefly troubles the opponents of the bill North and South is, not that it is sectional, but that it will check, if not stop, cheating at the polls everywhere.

Another objection of a sordid kind brought forward against the bill is that it will cost money. If this or any other measure will tend to keep the ballot-box pure, it is of little consequence how much it costs. The people of the United States can afford to pay for any system which protects the vote and makes the verdict of the ballot-box so honest as to command universal confidence; but it is, of course, for the interest of the enemies of the law to make the expense seem as startling as possible. They talk about ten millions of dollars being the least probable expenditure. Assuming, as they do, that the law will be put in operation everywhere, this sum is at least twice too large. Careful and liberal estimates put the cost, supposing the law were to be applied in every district, at less than five millions; but as there is no probability that the law will be asked for in a third of the districts, the cost would not reach a third of the sum actually necessary for all districts. Admitting, however, that five or six millions would be expended, no better expenditure of money could be made than one which would protect the ballot, give publicity to the conduct of elections, and demonstrate to all men their fairness and honesty. The States of the North have not hesitated to take upon themselves the burden of the expense of their own elections under the secret and official ballot, and the wisdom of this policy is beyond question. It is difficult to see why the policy which is sound for States is not sound for the United States.

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It is also objected that the penal clauses are very severe. This is perfectly true. They are very severe; and if any crime is more deserving of severe punishment or more dangerous to the public weal than a crime against the ballot, it has not yet been made generally known in this country. The penal clauses of the law are intentionally severe, and the penalties are purposely made heavy. The penalties against murder, highway robbery, and burglary are also heavy and severe, but in every case it is easy to avoid them. Do not be a murderer, a burglar, or a highwayman; do not commit crimes against the ballot, and the penalties for these offences will be to you as if they never existed.

The last objection upon which I shall touch, and the only one remaining which has been zealously pushed, is that the enforcement of this law will endanger Northern property and affect Northern business in the South. It is not easy to see why honest elections, whether State or national, should affect injuriously either property or business. If honest elections are hostile to property and business, then the American system of free government is indeed in danger; and no more infamous reflection could be made upon the people of America than to say that they cannot be trusted to express their will by their votes, but must have their votes suppressed in the interests of order and virtue. No one, however, really believes in anything of the sort. This is simply a revival of the old cry of the Northern "dough-face" against the agitation of the slavery question in the days before the war. It was base and ignoble then, but at that dark period there was at least a real danger of war and bloodshed behind the issue. Now it is not only as utterly ignoble and base as before, but it is false and ludicrous besides. Property and business in the Southern States, as elsewhere, depend almost wholly for protection on State laws and municipal ordinances; and neither this nor any other national law, even if it could be conceived to be injurious to business interests, could touch either State or municipal governments. The proposition, without any disguise, really is that fair elections of Congressmen would endanger business and property in the Southern States; and the mere statement of the proposition is its complete confutation, for even if Congress had the power or the desire to interfere in local legislation, the election of fifteen or twenty Republicans in the South would not affect the composition of the House materially, and as

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Congress has no such power, the cry, of course, is wholly without meaning. So keen, however, is the sympathy of the Northern Democrats with this view of the subject that definite threats of war against the national government have been heard. General Spinola, of New York, we know from his own declarations, is armed and ready, and that other great military power, Governor Campbell, of Ohio, if we may believe the statements attributed to him, is arming.

But there is, unfortunately, a much more serious side to this phase of the question. Legislation is proposed which the South does not like, and thereupon, headed by the gallant Governor Gordon, Southern leaders and Southern newspapers begin to threaten and bluster as if we were back in the days of South Carolinian nullification. It is the old game of attempting to bully the North and West by threats. The North and West are to be boycotted for daring to protect citizens in their constitutional rights, and even more dreadful things are to follow. It has been generally believed that the war settled the proposition that this country is a nation, and that the nation's laws lawfully enacted are supreme. Yet here we have again the old slavery spirit threatening to boycott Northern business, trying to bully the Northern people, raising the old sectional cry, and murmuring menaces of defiance and resistance if a certain law which can injure no honest man is enacted. The war was not wholly in vain, and it is time that this vaporing was stopped. The laws of the United States will be obeyed ; election laws, as well as every other, will be enforced ; and the sensible way is to discuss the question properly and have the people pass upon it, and to throw aside these threats of boycott and nullification as unworthy the use or notice of intelligent men.

The difficulty, however, with all these objections, both for those who make them and those who reply to them, is that they are utterly unreal. They are but the beating of gongs and drums, without any greater significance than mere noise can possess. The National Election Bill is a moderate measure. It is not a force bill ; it does not interfere in any way with local elections or local government. It does not involve extravagant expenditure, nor is it sectional in its scope. It does not seek to put the negro or any other class of citizens in control anywhere, but aims merely to secure to every man who ought to vote the right to vote and to have his vote honestly counted. No one knows these

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facts to be true better than the opponents of the bill; but their difficulty is that they cannot bring forward their real and honest objection, and so they resort to much shrieking and many epithets. They believe, whether rightly or wrongly, that fair elections mean the loss of the National House at least nine times out of ten to the party to which they belong. They believe that fair elections mean the rise of a Republican party in every Southern State, led by and in good part composed of white men, native to the ground, whose votes are now suppressed under the pretence of maintaining race supremacy as against the negro. They believe that the law threatens the disappearance of the race issue on which they found their power, and the fall of the narrow oligarchy which for so many years has ruled with iron hand in the Southern States and in the national conventions of the Democratic party.

The real objection to the bill, in other words, comes from the fact that one of the two great parties believes that free elections imperil their power. They know that by this bill the United States officers, taken from both parties, are appointed by the courts, the body farthest removed from politics. They know that these United States officers will be held in check by local officers and be utterly unable to interfere with the proper conduct of the election. But they know also that the result will be publicity, and they believe that in consequence of publicity many districts will be lost to them. This law is as fair to one party as another; but if one party is cheating, that party will suffer, and where the cry against the law is loudest it is the best evidence of its necessity, and proves that those who resist it profit by the wrong-doing which it seeks to cure.

The Constitution of the United States promises equal representation to the people, and it makes the negro a citizen. Equality of representation has been destroyed by the system in the South which makes one vote there outweigh five or six votes in the North, and the negro has been deprived of the rights the nation gave. No people can afford to stand quiet and see its charter of government made a dead-letter; and no wrong can endure and not be either cured or expiated. Fair elections North and South are vital to the Republic. If we fail to secure them, or if we permit any citizen, no matter how humble, to be wronged, we shall atone for it to the last jot and tittle. No great moral question of right and wrong can ever be settled finally except in one

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way, and the longer the day of reckoning is postponed the larger will be the debt and the heavier its payment.

HENRY CABOT LODGE.

MR. POWDERLY:

THERE must be something wrong in our legislative system, or else such a measure as the National Election Bill would not have passed the lower House of Congress before an opportunity had been accorded to the people to express an opinion upon it. It is a noticeable fact that legislation which deals with the holding of office and the methods of securing office passes very quickly, while that which affects the whole people has to pass the ordeal of several sessions of the legislature or of Congress before it goes to the executive for his signature. The reason may be that the legislator knows more about his own wants than he does about the wants or wishes of his constituents, and, being in office, thinks it no harm to stay there, even though the liberties of the people be placed in jeopardy through his methods. Party organs sounded the praises of, and denounced, the bill while it was before Congress, but they threw very little light on its provisions. Those who objected to it were supposed to be silenced when they were called "Democrats," and those who favored it were expected to die of shame because they favored a "Republican measure." The writer is independent in politics, and does not object to the bill because it favors the Republicans or militates against the Democrats; he is of the opinion, in which he may be wrong, that such a measure is fraught with danger to our republican form of government.

Many opponents of the bill call it sectional, but it is neither sectional nor national; it is so elastic that it may stretch all over the country or span a single Congressional district. It is not a law which goes into effect of itself; it must first be called for by fifty or one hundred persons claiming to be citizens. If the bill becomes a law, it will be enforced in every Congressional district in the United States. It provides for the appointment of a chief supervisor of elections in each judicial circuit—nine in all. When one hundred persons in any city or town having 20,000 inhabitants or upwards, or in any Congressional district no part of which is in any city or town of 20,000 inhabitants or up-

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wards, or when fifty persons in any one or more counties or parishes in any Congressional district, petition the chief supervisor, the law is then in force. The chief supervisor then appoints supervisors of election, supervisors of naturalization, and the other officers named in the bill.

In making excuses for the bill's appearance in Congress its advocates urged that it would be called into operation in but from twenty to thirty districts in the South, and that there would be no occasion for it elsewhere. In every Congressional district in the United States will be found the required fifty or one hundred persons to sign a petition to the chief supervisor; and if they do not think of it, the Congressional aspirant who may think his chances will be improved by the aid of these patriots will not forget it. The compensation which deputy supervisors will receive will stimulate the patriotism of a sufficient number to secure the signatures of fifty or one hundred persons. Every ward politician who may be out of a job and who has a promise from a Congressional candidate—and they will all make promises—will circulate the petition.

Every chief supervisor will find it to his advantage to put the law in operation in his jurisdiction, for it places an enormous amount of patronage at his disposal; it makes him a "king with a sceptre" at once. The moment fifty persons petition him, he has the appointing of four or five hundred deputies, and if no one else throws out the hint to secure signatures to a petition, it is not likely that he will neglect it. The patronage is within his gift alone, for the circuit judges are obliged to appoint from the list of names submitted to them. It is not what its fathers claim for it that will be done; it will be used "for all it is worth" by the patriots in every Congressional district. With authority to appoint from two to six hundred persons in his jurisdiction, the chief supervisor becomes at once a power in the land, and through his appointees he may dictate the nominations of his own party. If they see fit to use the power, the nine chief supervisors may nominate the candidates for Representatives in their districts, and not those alone, but the candidates for State and county offices as well.

If frauds are perpetrated in from twenty to thirty Congressional districts only, why extend the provisions of the bill beyond those jurisdictions? Why entail unnecessary expense on

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the taxpayers in leaving it optional with fifty or sixty persons, or with one person, to call into operation the whole machinery of this law? Surely Congress has the right to protect the government in twenty districts if it has the right at all.

The framers of the bill made no attempt to deny that it was introduced because of the intimidation of the negro voters of the South, and there is no doubt that colored citizens in many places in the South were outrageously deprived of their rights in being driven from the polls by the Democrats. Notwithstanding their deprivation of the right to vote, the colored men are represented in Congress by the men who deprived them of the right to vote, or who were parties to the wrong. The Constitution of the United States makes provision for such emergencies, if I read it aright, where it says:

"But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

It seems to me that the proper thing to do, after the fact is established that a number of negro citizens are not allowed to vote, is to base the representation in Congress from the district or State on the number who exercise the right of suffrage therein.

Do we require protection in the Democratic South any more than we do in the Republican North? We do not hear of the brutal assaults, shootings, mobbings, and violent demonstrations in the North that we read of as happening on election day in the South. In the perfection of its methods of intimidation the Democratic party is behind the Republican, for the latter employs a more refined system of doing violence to the election laws of the nation; in proof of which let me submit the testimony of the United States Senate itself. In 1880 the United States Senate committee to "inquire into alleged frauds in the recent elections" reported that

"a meeting of manufacturers was held at Worcester County, Mass., in the office of Mr. Washburn, chairman of the Republican City Committee. The purpose of this meeting was to urge the employers of labor to exercise their influence.

"They were asked to call their employees together and address them on the issues. This was done in at least one case. The action taken at this meeting was spoken of

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by the employees affected as being prejudicial to their freedom of action, from fear of loss of work if they voted or acted against their employers. The result of the meeting and its action was a degree of intimidation to the employee."

In the village of Manchaug, in the same county, the committee found that there were one hundred voters in the place, that the managers, book-keepers, superintendents, and foremen of the mills were Republicans, and that they had not only discharged men for voting in opposition to the Republican party, but had also discharged young boys and girls, and turned families out of their houses, because the parents voted for General Butler in that year. They also found that the ballot-boxes were open, and that "those in charge could see the form and appearance of the ballot voted." Still further on in their report they say:

"Your committee examined a number of witnesses in regard to the arrangement and manner of voting in Webster, Worcester County, by the employees of the Slater Manufacturing Company, where several hundred men are employed. . . . The proof showed about the same state of facts as existed at Manchaug. The same was the case at the Douglas Axe Factory, where agents of the company stood at the door of the election house, watched every one of the employees who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket."

The Constitution of the United States says that

"all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

In making their inquiries in the State of Rhode Island, that same Senate committee found that the constitution of that State defied the Constitution of the United States when it said that in order to vote in Rhode Island only the citizen "who shall show, by legal proof, that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State to the amount of one dollar, including in such tax or taxes a tax upon his property in the town in which he shall offer to vote, valued at least at one hundred and thirty-four dollars."

They obtained the testimony of several, among them one man who had lived twenty-eight years in the State, Colonel James Moran, who had served his time in the United States army during the Rebellion, and had been promoted from private soldier to captain, but who did not own $134 worth of real estate, and could not vote. They found Thomas Davis, seventy-five years of age, who had

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served as a member of Congress from Rhode Island, and had served in both branches of the Legislature when he owned $134 worth of property, but who at the time the committee visited Providence could not vote because poverty, while not depriving him of his brain, had taken away his right of suffrage. Daniel Donovan and ten other mechanics, occupying the same room in a workshop, were visited by the committee and found to be intelligent, educated men, but they could not vote because the constitution of Rhode Island denied them the right to live up to the provisions of the Federal Constitution. In summing up their report the committee said :

"Your committee was instructed to inquire and report whether it is within the competency of Congress to provide by additional legislation for the more perfect right of suffrage to citizens of the United States in all the States of the Union. They have performed that duty, and whilst they find that improper practices, as hereinbefore detailed, exist in the States visited, and the freedom of choice by voters in those States has been interfered with, and persons practically threatened with dismissal from employment if they voted in opposition to the wishes of their employers, yet they cannot find that it is within the competency of Congress to correct this wrong by additional or any legislation, but that, on the contrary, the remedy therefor is to be found with the law-making power of the State in which the wrong is perpetrated. Wrongs upon the ballot or interference with the right of suffrage or with the modes of the qualifications of voters are questions which are to be corrected and controlled by the States, and not by the Federal government. Suffrage is under the control of the States, and not of the Federal government. The latter has no voters of its own creation; it cannot qualify voters, nor can it protect voters from wrong by inflicting punishment upon those who compel them to improperly exercise the right of suffrage; it may punish for crimes committed in regard to the manner of voting, but an offence against the right itself must be punished under State law, and not by Federal statute. The civilized bulldozing which we find to have existed in the ancient and honored commonwealths of Massachusetts and Rhode Island is an evil which the people of those States must themselves correct, and your committee feel that in bringing the facts to the public gaze they will help to strengthen a sentiment already in existence, and aid in crystallizing it into such statutory enactments of those States as will correct the evil or punish its repetition."

That was only ten years ago. The crimes reported by the committee took place in Republican States; the evidence was taken at a time when no excitement prevailed; the power then, as now, was in the hands of the Republican party; and if a Federal law can be framed to-day to correct like evils, it could have been enacted then. The Senate of the United States adopted the report of that committee, and in doing so asserted that

"wrongs upon the ballot or interference with the right of suffrage or with the modes of the qualifications of voters are questions which are to be corrected and controlled by the States, *and not by the Federal government. Suffrage is under the control of the States, and not of the Federal government.*"

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If that were true in 1880 it is none the less so in 1890, and the Congress of the United States has no authority to enact such legislation as is outlined in the Federal Election Bill.

The report did "aid in crystallizing into statutory enactments" the sentiments of the people of the States visited by the committee, but not until the labor organizations of the country began and continued the agitation for ballot reform and a secret ballot. Suffrage should not be tampered with in the slightest degree, and it is only necessary to read the bill now before the Senate to realize that under its provisions the Federal supervisor may know for whom the citizen votes for Congressman and for all other offices. The Australian ballot system is destined to control elections in all the States before many years, and it is to be feared that, if the industrial population had not so vigorously agitated for its passage, there would be no thought of taking the election of Congressmen one step further away from the people.

The framers of the National Election Law claim that it will insure publicity in elections: that is true, and the publicity will intimidate as surely as though a row of bayonets circled the polling-place. It is not publicity that is required, but more of secrecy for the man who votes, and less of interference from candidates for office and interested parties.

The Australian Ballot Law, as passed in several States, guarantees honesty in conducting elections; but the National Election Law will annul all of it that relates to the election of Congressmen, for it provides for separate boxes in which the ballots shall be cast and practically gives the Federal supervisor the authority to examine all boxes. This is not stated in the law, but when the inspectors of election are to hand over to the supervisors all tickets found in boxes other than the Congressional box, those who know anything at all about the manner of conducting elections will realize that the whole voting machinery is exposed to the inspection of the supervisor.

If it is necessary to conduct the election of Representatives in Congress on a different plan from that used in the election of other officers, they should be elected on a day set apart for that purpose. Federal officers, Representatives and delegates to Congress, should be elected on a day when no other officers are to be chosen. Such day should be a national holiday; all votes should be counted every hour, and the result publicly announced from the polling-

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place, so that all who vote during the preceding hour may know the result before leaving the polls. After a certain day, say July 4, 1895, no persons except those attaining majority or obtaining naturalization papers before that date should be allowed to vote unless capable of reading and writing the English language. The Federal Election Bill directs that deputy marshals shall know how to read and write in English, but says nothing as to the voter; and that is of more importance. Make bribery, corrupt practices, and intimidation at the polls or during elections punishable by imprisonment only; for those who can afford bribery think nothing of paying a fine.

The fault does not lie with the people, and their rights should not be abridged. There is not one man on the floor of Congress to-day who can conscientiously or truthfully say that during the canvass which ended in his election he did not resort to some mean act in order to get votes or to prevent losing them. The aspirants for office are the men who debauch the voters, and the indignation manifested on the floor of Congress during the debates on the Federal Election Bill came with a very poor grace from many who owed their seats to little tricks, illegal use of money, false representations, and the use of liquor. The Federal Election Bill provides that, if more ballots are found in the Congressional box than there are voters in the election district, the supervisor and inspector shall be blindfolded and draw out a number of ballots sufficient to equal the excess. Two wrongs never make a right: to find more ballots than voters proves that illegal votes have been cast; but it does not right the wrong to draw the tickets out indiscriminately. It should first be ascertained who cast the illegal ballots and then such tickets should be removed or another election called.

No laws are so frequently called into play as election laws, and, as a consequence, none should be so plain. The Federal Election Bill is very long; it is not plain as to its meaning in many parts; in others it is impracticable, particularly in section 12: election officers will not understand it, and, in fact, many who voted for it cannot explain it.

The United States government does not deal with the citizen directly, but, according to the report of the Senate committee of 1880, it may "punish for crimes committed in regard to the manner of voting." If a crime is committed in regard to the

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manner of voting, the fault must lie with the State; and if an election is criminally conducted in a certain district, the United States government should, after a careful and impartial investigation, deny the Representative so elected the right to sit in Congress, and call upon the district in question to elect another. The real criminal would no doubt be punished in being deprived of a seat, but the State should be called on to punish those who aided and abetted in illegally electing him.

The most serious objection to the National Election Bill is that it legislates in favor of illiteracy. The vast numbers of colored citizens who cannot read are at the mercy of the whites and those of their own color who can. The machinery of the bill is to count the votes, no matter whether those who cast them know how to read them or not. In case of a contest thousands could not identify their own ballots, much less read them. The Federal Election Bill stands guard only at the polling-booth, but the evil is located elsewhere—in the home of the citizen—and the education of the citizen is the only thing that will remedy it. Illiteracy is the cause of the introduction of this bill: hence the necessity for legislation which will tend to abolish illiteracy, or reduce it to the minimum, and extend universal suffrage, rather than encourage illiteracy by legally protecting it. The Democrats of the South will deprive the negro of his political rights if they can; the Republicans of the North will do the same by the white workmen if they can; and the only thing that will prevent these wrongs is the education of the citizens, North and South, white and black.

T. V. POWDERLY.

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SOCIETY WOMEN OF THE TIME OF CHRIST.

BY GAIL HAMILTON.

THE LADIES OF THE EMPIRE.

OF ALL the emperors of the world, the most widely known is undoubtedly the young Octavius; not because, by the achievements of his great uncle, Julius Cæsar, he became the world's master, but because, during his reign, in an obscure village of one of his small and distant provinces a little child was born. The learned and the ignorant alike know that the babe was laid in a manger because there was no room for them in the inn; and the inn was over-full because of the crowds that went up every one into his own city in obedience to a decree from Cæsar Augustus that all the world should be taxed.

The Cæsar Augustus of St. Luke was Octavius by birth, Caius Julius Cæsar by adoption, Augustus by his own imperial choice, and leader of the Golden Age of Rome. Peace had been conquered. In the universal tranquility, literature flourished, splendor reigned. If the strain and stress of the last days of the Roman Republic had left manners and morals to degenerate, the calm, the culture, the luxury, of the early empire should have redeemed them to courtesy and purity.

How gracious was that culture we learned at school. How great was that splendor every day unfolds; for not yet have wholly perished the art and architecture with which the Emperor surrounded himself and his third bride, the beautiful Livia, the companion of his youth, his pride, his power, his age.

The ambition of Cæsar Augustus was to rule the world, but so gently that it should not know how absolutely it was ruled. And a part of that purpose, as well as a part of his character, was his aim to be an example of domestic purity. He wished to present to his people, *not simply for their admiration, but for their profit,*

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a model family. We have, therefore, the most valuable relic of antiquity—an ideal pagan family, rich and powerful enough to carry its idea into practice, conspicuous and important enough to carry its practice into history.

While Cicero, the modern-antique, was humanely holding his office of Governor-General in Cilicia, a Roman nobleman in the prime of life, and therefore of suitable age, sought him to solicit in marriage the hand of his beloved only daughter, Tullia, the "darling Tulliola." Cicero was not averse, for Tiberius Nero was of the noble old Claudian family, and Cicero, a "new man," never got past liking to see the aristocracy pay him obeisance.

But before Tiberius fell a-wooing Cicero had recommended to Tullia another suitor, and the dutiful daughter, once a widow and now a divorcée, left behind in Rome, had already engaged herself to the brilliant and high-born, but profligate, Dolabella. Tiberius, therefore, turned for consolation to a famous young belle and beauty with whose charms the salons of Rome were ringing, and won the hand of Livia Drusilla, a woman much younger than himself, and of birth his equal. Yet it should always be remembered to his credit that his first choice was the clever, honorable, and high-bred daughter of a parvenu.

Tiberius Nero had taken the side of Anthony against Octavius; but when the two foes were to cement their reconciliation by Anthony's marriage with Octavia, the sister of Octavius afterward Augustus, the latter induced Tiberius to permit Livia to be Octavia's attendant at the wedding. Tiberius might well have been reluctant. Augustus had seen her and had been struck by the fresh beauty of her eighteen years. It was nothing that she was already married, and was soon to become the mother of her second son. It was nothing that Augustus was married—alas! twice married. His first wife, Claudia, he had divorced. His second wife, Scribonia, was the mother of his only child, Julia, but she had been the wife of two men before she wed Augustus, and her thrice-harvested charms could but feebly draw the royal admirer from Livia's youthful radiance. The misgivings of Tiberius were too soon justified. On the pretence that he could not endure Scribonia's perverseness, Augustus divorced Scribonia, and, veiling guilt with religion, and announcing that the augurs declared his national success to lie in such a marriage, he ordered Tiberius to yield up his wife.

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On this surrender was founded the model pagan family—a surrender attended with every incident of contempt and cruelty; for not only was Tiberius compelled to submit to divorce, but, in the capacity of father, to assist at the iniquitous marriage, to give away the bride, and to preside at the banquet.

During this ghastly mockery of mirth and marriage, a little boy, roving from couch to couch of the assembly, came at length to the one on which Livia reclined by the side of Augustus; whereat this terrible infant called aloud: "Lady, what are you doing here? You are mistaken. This is not your husband. He is there," pointing to Tiberius. "Go! go! Rise, lady, and recline beside *him!*"

Naturally, records the court gossip of those days, the little fellow's action caused great confusion among the guests! Sweet Infant!

Tiberius did not long survive his grief and shame. Alas! poor Tullia, abandoned by her husband. Alas! poor Tiberius, abandoned by his wife. Both died of desertion and despair—broken-hearted. Ah! what sweet, slow length of golden Roman days might have filled their happy home with sunshine could but Fate have given them to each other who were so near and yet so far!

If this was done without Livia's consent, what must have been the position of pagan women? If with her consent, what must have been their character?

Yet the man who so foully built his ideal family knew how to house that family with a magnificence which nineteen centuries have not surpassed. He was clear-eyed regarding human nature, and made his magnificence less a personal than a public possession. The house which enshrined his stolen treasure on the Palatine Hill was no finer than other Roman noblemen occupied—had, indeed, been owned by an eminent Roman, Hortensius, friend and rival of Cicero and husband of Cato's wife. The edifices which he added to it were opened for public reception and public worship, so that they seemed an integral part of the national pride and splendor. His temple of Apollo was not his private chapel, for his own devotions merely. All the people could say their prayers in that wonderful church. The central archway of his state entrance Lanciani describes as surmounted by a chariot drawn by four horses, driven by Apollo and Diana, the whole cut from a single block of marble. Its gate-posts of Greek marble were

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twenty-nine feet high. Entering to the sacred area paved with white marble, one found himself in a circle enclosed by two-and-fifty fluted marble columns, with double rows of marble statues for each intercolumniation, of the best Greek and Italian sculpture.

The temple, of Carrara marble, was incrusted in front with bas-reliefs in Parian marble; the two sides of the door were in ivory bas-reliefs, and above all glittered the chariot of Apollo in gilt bronze. Within, priceless bric-a-brac was gathered and garnered from many a conquest. The silver candelebra, cast in the shape of trees with lamps for fruit, had not only the priceless value of artistic beauty and exquisite workmanship, but the historic association of having been once the property, even if the plunder, of Alexander the Great. Gold plate and silver tripods were stored with the finest ivory carvings, the quadriga of the sun in gilded bronze, and an invaluable collection of engraved gems and cameos presented by the Emperor's young nephew, that Marcellus whose early death lends a pathos even to the well-thumbed Virgil of the school-room.

The library of the imperial palace was in two sections, the Greek and the Latin, and between them was a reading-room large enough to contain upon occasion the whole Roman Senate; large enough to hold, without destroying its harmony of proportion, a bronze statue, fifty feet high, of Augustus represented as Apollo. Its walls were covered with medallions of the most celebrated authors and orators, some in bronze, some in repoussé work of gold and silver; so that the Bibliotheca Palatina Apollonis which the Empress Livia could consult had little to lose of æsthetic achievement from comparison with any library that Queen Victoria boasts. And in honor of her husband, who had surrounded her so royally, the youthful Empress instituted a private theatre in front of the palace itself.

If her actual dwelling was more modest, it had a beauty which the researches of young Italy are constantly bringing to light. In her house on the Palatine Hill I have seen the colors of her lovely frescoes come out fresh as of yesterday from their burial of the centuries. In her villa on the Flaminian Way still glows the green of her immortal ilex, her pines and firs and cypress, her laurel and pomegranate. There is no wearisome repetition on panel or pillar, but the cunning hand of the court artist hung her walls with festoons of oak or lemon, as taste or fancy willed,

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or wreathed it with myrtle, or touched it with the eternal life of human passion breathed in myth and fable, in the beauty and grace of dancing girls, and the manly mould of the immortal gods.

Here, nineteen hundred years ago, was the beautiful young Empress served by her retinue—her regiment. Six hundred, at least, of her own personal attendants we know, for their inurned ashes have been revealed, labelled with name and age and official title. There was Parmenius, keeper of the purple robes, and Bira Canaciana, keeper of state robes, and Rhodanus, keeper of the imperial robe, and Eutactus, keeper of overcoats, and Arion, keeper of morning dresses. There were many folders of clothes, many jewellers; one officer of ornaments had eight goldsmiths to materialize his fancies. Besides a hair-dresser, there was a specialist for one particular style of high hair-dressing, and there was a dresser for the ear. There was a keeper of perfumery, a regulator of hot and cold water for the bath, a keeper and maker of imperial shoes, a keeper of sandals, a keeper of Livia's chair, a keeper of family portraits, and even a governess of Livia's favorite pet dog!

Alas for Livia herself, the breathing centre of all this lavishment of love and luxury! Was it this that won her away from her real husband? The worst is to be feared, for she developed an unquenchable thirst for power. History lays upon her beautiful shoulders the heaviest crimes—the murder of all her husband's kin who stood in her way. We are loath to burden hands so fair with work so foul. At least her Augustus never found her out. Dying in her arms, which he thought were loving, his kisses on her lips, which he thought were true, amid all the wreck of his children and of his hopes, the last words of the poor old man were of that baleful, blissful union.

> "How sad and bad and mad it was,
> But, then, how it was sweet!"

His natural heirs had died prematurely in swift and significant succession, and it was found that Livia had secured the empire to her own son, Tiberius; yet Tiberius, entering upon his inheritance, showed her small gratitude, curtailed the honors which a servile senate was ready to pay her, begrudged her even his presence. I am fain to think that the unhappy woman added to her lust for power at least so much remorse for the ruin of her

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first husband as to seek to make expiation in the person of his son. But that son had not only the wrongs of his father to deplore; he had the blight of his own life to avenge. There needed no stain of blood to make the white hand of his mother odious to his soul.

Through all the mists of twenty centuries Atticus stands before us clothed with the glory of being Cicero's friend, and such a friend as genius is most blessed in owning. Learned, lovable, rich, polished, he seems to have had no public ambition himself, yet sympathized fully with Cicero's ambition, and unweariedly solaced and cherished him with advice, money, companionship, sympathy. "I would rather sit with you in your library, under the bust of Aristotle," wrote Cicero, weary with strife, "than in their curule chair." It was his favorite corner, no doubt, and as his long robes swept the tessellated floor where he reclined, enjoying the city gossip, which he owned to loving, and the high themes of history and politics and philosophy, where his thought chiefly lived, often and often, no doubt, strayed in little Attica, the child of his friend's old age; Pilia's little daughter, petted by Cicero and by Cicero's Tullia, who was a young lady grown, and, for ought I know, a young lady married before little Attica came. For when Atticus, somewhat late in life, espoused the fair Pilia, Cicero begged them to make him a visit, because Tullia was so desirous to see the new wife. The acquaintance must have sped and the visit been returned, and other visits exchanged; for "how gladly," wrote Cicero from one of his villas to Atticus, "shall I run and embrace Tullia and give a kiss to Attica. Pray write and tell me all her prattle, and if she is in the country, tell me what she writes to you."

He describes little Attica—"his love" he sometimes called her—as "of a merry disposition, the best a child can have," and never forgot to send his love and kisses to her in his letters to her father; just as Atticus had sent his to Tulliola—little Tullia—years before, when the small damsel hurled baby threats, through Cicero's letters, of lawsuits and dire vengeance if he forgot his promised presents. Amid the great reverberations of Cicero's eloquence and the tramp of Cæsar's legions, clear and sweet, through two thousand years, come the shrill, piping voices of the little maidens and the caressing, fatherly tones—"pray give a kiss for me to my absent Attica; she deserves this for the kind compli-

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ment she sent me in your letter." If there is a touch of Noah Claypole and Charlotte in the message, it may well go for nothing in that stern Roman time which can show us no dearer picture than blithe, wee Attica bounding into the arms of the great orator as he sat in her father's library beneath the bust of Aristotle.

Cicero perished; but his bright little "love" grew into bright womanhood and attracted the attention of a rising young man, who became presently one of the great men of his time, and of all time, Marcus Vipsanius Agrippa. Already by his cleverness, his achievments, his agreeableness, he stood so high in the Emperor's favor that the gentle and serious snob who is called the muse of history is astonished that one who could have had his pick of the Roman girls yet preferred the daughter of a knight to any of the higher-born! But the muse need not have been astonished. Titus Pomponius Atticus, although only a knight, could count back his ancestry as far as the furthest, as high as the highest, reckoning his descent from Numa Pompilius, the second King of Rome, through his son Pompo. And besides this long, if somewhat attenuated, line, and besides his own wealth and worth and culture and taste, he stood high in the imperial favor; for not only did Augustus Cæsar send letters to Atticus, when absent from him, taking care that he should get first news of all his doings, but even when he was in the city, if too busy to haunt the library where the bust of Aristotle stood, he could hardly let a day pass without writing Atticus, whether it were a question of ancient lore or a point of poetry, or rallying him with jest to draw from him longer letters, or in graver matters begging his opinion and following his advice.

And I wonder if in any of these talks obtruded ever the ghost of gentle, murdered Cicero. I should think that to both, the friend who cherished him and the friend who gave him up to assassination, there would have appeared sometimes under the bust of Aristotle a shadowy form, a sad face. To the reproaches of Atticus, if such there were, to the silence of Atticus, which was the least and the greatest tribute he could pay his old friend in the company of his new, Augustus may well have pleaded his two days' argument for the life of Cicero, for thus only could he have earned the mercy of that silence.

No, it was no *mésalliance*, nor would have been had the family of Atticus been less distinguished and the family of Agrippa

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more. Agrippa, though of comparatively low birth, was not merely a king's favorite, but a great man in himself—great soldier, great statesman. Augustus had the bad luck to be ill in his tent when Agrippa won his empire for him at Actium, and when Augustus was not ill the bad luck fell on his battles. In peace Agrippa knew how to apply the advantages gained in war, and as an upright provincial governor he was worthy to marry the daughter of Cicero's friend. With all his military prowess and many victories, he had refused to receive a triumph and chose rather to be faithful Prime Minister than Emperor. The magnificence with which he adorned Rome is not yet wholly vanished.

> "All the mountains topped with temples, all the glades
> Colonnades,"

have left their traces for us. Standing by the colossal pillars of his Pantheon, we read his name inscribed above the entrance, and feel the vigor and grandeur of his power still pulsing through blackened, blistered stone and storm-spent marble.

Merest time-worn fragments remain of his princely porticoes. Protected by colonnades from the cold north wind, with high walls of boxwood intersecting in graceful designs the inner space, with columns cut of rarest breccias and marbles, capitals of Corinthian gilt, and pavements of brass inlaid with jasper and porphyry, these porticoes furnished delightful winter walks. Every portico contained a musuem of sculpture and a gallery of pictures. The space enclosed by them was decorated with lovely gardens, with thickets of box and myrtle, laurel and plane trees, with lakes and fountains and waterfalls. Most interesting to us of them all is the one which Agrippa named the Vipsania Portico in honor of his sister, Vipsania Polla, for therein afterward were hung on public exhibition the geographical maps of the provinces of the empire, which were surveyed and drawn in the famous census recorded by St. Luke when the decree went forth from Cæsar Augustus that all the world should be taxed.

Doubtless it was a great match for little Attica, though Agrippa had not then reached the height of his promise and did not yet stand on the steps of the throne in whose sunshine he lived; and so the happy wooing was followed by a happy wedding, and though old Nepos avers in the hard Roman way that Mark Anthony was the "conciliator" of the nuptials, we beg leave to

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doubt. It was a better man than that ferocious profligate who brought about the marriage. It was the heroic young soldier himself; it was the sprightly, scholar-bred, gentle Atticus, won each to each by mutual charm, who "conciliated" these auspicious nuptials.

Auspicious? Alas! A little daughter came to shed new light over the great circle, whom the proud father named with his own name, Vipsania Agrippina, and whom, fondling, the pleased Emperor betrothed before she was a year old to his little stepson, Tiberius—the same Tiberius Cæsar to whom, as well as to Augustus, it befell to be enshrined in the Gospel of Saint Luke, because a reformer came out of the wilderness in the fifteenth year of his reign preaching the baptism of REPENTANCE for the remission of sins. It was the same little stepson, grown a man and made an emperor by his mother, Livia, to whom a greater than John the Baptist referred when he was asked, "Is it lawful for us to give tribute unto Cæsar, or no?"

Jesus Christ would involve his spiritual mission with no political complications. He had not come to decide any question of legitimacy between the children of Livia and the children of Augustus, between a Jewish province and a Roman empire. He pointed them to the portrait of Tiberius on their common coin and bade them render unto Cæsar the things that are Cæsar's.

But as a matter of biography it is interesting to remember that this Cæsar was the son of the lovely Livia and the wronged Tiberius Nero, and should have been the son of Cicero's Tullia, in which case he might have been a happier man, but we should probably never have heard of him!

Many and many a time, no doubt, the boy went with his stepfather to the house of Atticus to play with his baby bride, and many a time, no doubt, the little lady attended her father to the palace, and rambled with Tiberius and his little brother on the green terraces of Palatine Hill. A charming girl she could not but grow, with the merry vivacity and grace of her mother, the sterling strength of her soldier-statesman father, the civic pride and scholarly culture of her grandfather meeting and mingling in her pure young blood. And ever more and more she attracted and fascinated the reserved and silent boy, who found in her innocent and girlish gayety the spell which dissolved his too sombre mood, until she became his willing and worshipped bride.

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There let us leave them awhile to their brief heyday of guileless happiness, or ever the storm overtook and overswept them.

The most prominent woman after Livia in the imperial circle was Octavia, the Emperor's half-sister, older than himself, his great favorite, in whose honor he had named his first state library the Bibliotheca Octavia. She was a woman who posed for virtue as persistently as Augustus himself, and who, by the Roman standard, was eminently virtuous. Indeed, she may almost be said to have been a Roman matron by trade, and was well used to being thrown in as a matrimonial make-weight to complete imperial contracts. When Julius Cæsar had wished to ratify his alliance with Pompey, he proposed that he himself should marry one of Pompey's daughters, and that Pompey in return should marry his grandniece Octavia, though Pompeia was at that time the wife of our old friend, Faustus Sylla, and Octavia was the wife of Marcellus. Pompey had views of his own, and Marcellus remained the husband of Octavia till his death, which haply came just as it seemed desirable for Augustus and Anthony to compose their quarrel and join forces if Roman liberty were to be permanently conquered. In pursuit of this object, it was proposed that Anthony should marry Octavia. No objection on her part is hinted, and she was transferred to Anthony with so indecent haste that the Senate had to pass a special bill exempting her from the law which forbade a woman to marry within ten months of her husband's death.

Mark Anthony has been glorified by Shakspeare and deified by De Quincey; but none the less was he a beastly and treacherous profligate. Associating in his youth with the most dissolute young men of Rome, he married the widow of the vilest, whose house he had frequented for the basest carousals. This wife, Fulvia, was as fierce as himself, noisy, clamorous, loving turbulence and strife. It was her daughter, Claudia, whom Augustus had first married, then speedily divorced, because he could not abide his mother-in-law. Although Fulvia came so near the throne, she was so low-born that when Mark Anthony taunted Octavius with his provincial birth, Cicero retorted for him, not only that such a stigma would apply to the whole body of senators as well, but that Fulvia was the daughter of a Tusculum nobody, nicknamed Bambalio because he was a stutterer and a fool! Personalities were rather sharp in those days, but Cicero's personalities were at

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least the points of argument. Argument there was none—nothing but brutal rage—in the rebuttal of Mark Anthony; for he never rested till he had silenced in death the eloquent patriotism which he could no otherwise meet; and Fulvia's bloodthirsty joy over the deed would leave too deep a stain upon these pages.

But it was not her blood-thirst which lost her her husband's heart. From his youth, no taint of vice or crime or coarseness had ever repelled him. When he journeyed with Fulvia by his side, a wanton journeyed openly at the other. From the most important state debate in the Forum, if Cleopatra was carried past in her litter, Mark Anthony left his place and rushed after her. It was nothing to him that she had already been the shame of Julius Cæsar and of Pompey; any more than Anthony's death signified to her, if by tricking herself out with finery, and surrounding herself with the portraits of Julius Cæsar, her somewhat sere and yellow charms might seduce the young Augustus, who had conquered Anthony, as her youth had seduced the great Julius, whom she had conquered. Such a woman it was from whom poor dishonored and dishonorable Fulvia, even by the desperate means of stirring up civil strife in Rome, strove to withdraw her husband, and failing, baffled, died.

Such a man it was to whom the model matron Octavia gave herself, or was given, and who would have broken her heart if she had had a heart to break. But though the Roman people were shocked when he turned her out of his house in Rome, it is not easy to see why she or they should have expected anything else.

The son of Octavia, Marcellus, that fine young man of our old Virgil acquaintance, was married to his half-cousin, the only daughter of Augustus, Julia. He died in early youth full of promise, and, dying, dealt a blow not only to the love, but to the ambition, of his mother; for as her brother had no son and only the one daughter, Julia, Marcellus would have inherited with Julia the empire. All this was buried in his grave, but, undaunted, Octavia and Augustus put their heads together to find another husband for Julia. Not unnaturally, the proper person to guide the empire successfully seemed to them the man who had hitherto so successfully secured and adorned it, Agrippa. Agrippa was already married to Marcella, the daughter of Octavia —but—Marcella? Where, then, was Attica? Alas! our little Attica has vanished from history. The best woman in it, the

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most interesting, daughter of Atticus, pet of Cicero—there is no one to tell us what became of her. "Dead or divorced," says an obscure line, but that we should know without the telling, since Marcella suddenly appears as the wife of Agrippa. Nor is obscurity enough of ignominy for this knight's daughter among princesses. One little touch of malice the court chroniclers give before they let her go—this woman of loftier than royal lineage: "She was suspected of an intrigue with her father's librarian!" *That* we can English in the twinkling of an eye. Attica, reared by her father and Cicero, must have cherished a love of literature which the Livias and the Octavias never dreamed of, and could not understand. Little cared she for the court plots, still less for the court scandals; but chose, rather, to spend a part of her leisure in her father's library, no doubt often in Cicero's seat under the bust of Aristotle, and kept Tyrannio, the librarian, on a steady quest for books, and, being a scholar also, at his wits' end to meet her clever, piquant, delightful, talk about their contents. This the court could interpret only in its own corrupt, courtly way. But it dared only insinuate, never aver, for she was the great minister's wife whom even the Cæsar would not lightly offend.

"Dead or divorced"—no, she was not divorced. I choose to think that Agrippa was not the man to sacrifice our little Attica to a slander. The very fact that she passed in silence indicates that she passed in honor. When Agrippa stood by the dying bed of her father, praying him, with tears and kisses, to use means to prolong his life, it was not the imploring of a false husband. It was not the betrayer of his daughter who heeded the old scholar's last wishes and bore his body to burial on the loved library couch, and laid him to rest by the fifth milestone on the Appian Way. Attica died in her innocent youth, and her hero-husband buried his great heart in her grave, and, thereafter desolate, let the women and the court do with him as they would. The one love of his life was gone, and why should he resist?

So they thought to flatter his ambition and to strengthen the empire by marrying him to Marcella, and still further by unmarrying him from Marcella and remarrying him to Julia: what did it matter, one woman or another, since Attica was gone? And, after a life of honor, he died regretted, but not regretting, for Attica's daughter was happy with her noble husband, and Attica was gone.

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Unhappy father! No sooner was he cold in his grave than the old question began to be mooted again of a husband for Julia. Then the model matron, Octavia, who had been match-making, and in it match-marring, all her life, fixed her fatal eyes on Tiberius and bade the Emperor mark how fit it was that Livia's son should marry Augustus's daughter, and thus have a claim of blood to the throne. Doubtless, this plan had been well arranged between herself and Livia to serve the interest of both. Octavia and her son had overpowered Livia and her son; but Octavia and a daughter were a weaker combination, and Octavia was skilled enough to know it. Her only chance for influence lay in making friends with the mammon of unrighteousness, and she made it remorselessly.

Augustus yielded. Livia yielded to him in his passion for pleasure: Augustus yielded to her in her passion for power. Livia had well learned her lesson from Scribonia. That wife of two consuls would not brook the infidelities of her third, though imperial, husband, and made him aware of it. Augustus would not brook her reproaches, and divorced her. Livia gave him loose rein, but kept the throne in her bridle hand. Of course Augustus yielded.

There was no one to speak for Vipsania. Father, mother, grandfather—all were gone. The sword of Agrippa could smite no more. The hand of Agrippa could build no more. The wisdom of Agrippa could guide no more. There was nothing to be lost by sacrificing his daughter, and his daughter was sacrificed.

And Tiberius—what horror smote him let his subsequent life attest. For the love of his youth, for the wife of his manhood, for the pure mother of his child, he was called on to receive her father's wife,—a woman so vile that by a certain natural affinity she had consorted with her stepson, that vicious scion of a vicious stock, Anthony, son of Mark Anthony and Fulvia, stepson of Octavia, who had magnanimously mothered him with her own children, and whom Augustus befriended and honored till a father's frenzy drove to death the betrayer of his daughter,—a woman so vile that when the Emperor heard that Phœbe, one of the servants, had hanged herself, he cried out, in his agony of shame, "Would that I had been the father of Phœbe!"—a woman so vile that the place of her nocturnal rendezvous is still pointed out

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in the Forum, by the statue of Marsyas, near the rostra where public speeches were made, the lounging-place of pettifoggers waiting for clients that never came,—a woman so vile that her father in his despair came to meditate her execution, and though he could not bring himself to the point of ordering it, banished her from his presence in life and from his ashes in death.

Yet we may not judge even Julia too sternly, for had she not seen her mother repudiated and humiliated? How could she love virtue who saw every vice practised in its name? How could she be required to recognize the claims of purity whose mother had been disgraced for its too strenuous advocacy? With that mother's clear vision, and with remembrance of her wrongs, what wonder that she discerned the pollution beneath the polish, and wreaked for herself at least the revenge of a remorseless frankness? To this woman, sinned against, but terribly sinning, embittered, emboldened, corrupt, and corrupting, Tiberius was forced—away from the arms and the smile and the love that had been his life. Long after the sacrifice was accomplished, by chance he met her in the street one day—the woman who had been his wife. He stopped spell-bound, gazed, turned, followed her with wistful eyes till she had passed out of his sight; then burst into tears and silently went his way.

Is it unnatural that he should recoil from the dreadful Julia, choosing exile rather than her presence? Is it ungrateful that when his time of power came he could not kiss the hand that had won it for him so ruthlessly? Doubtless it was a terrible blow to Livia that she could not enjoy the sovereignty and the honor she had bought at such a price; but it is not to the shame of Tiberius that he was not bad enough to love the crime which he was not good enough to resist. Livia's son had done what Livia's husband could not do; *he had found her out.*

Nor did Octavia reap reward of gratitude or power from her terrible intermeddling. All the marriages and the divorces which she had procured failed to restore the prestige which perished with her son. His death preyed upon her mind, and in a profound melancholy she passed away.

There is not a throne in Europe which would not be overturned by such a marriage as that of Augustus and Livia. Napoleon came the nearest to it, though still far off. Ruin followed, and the world will never have done detesting him for the

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act, though St. Helena was a bitter expiation. For the Livias and the Julias and the Octavias of the Palatine, Christianity shows us the beautiful, devout, and pure Margherita of the Quirinal, the Victorias and Augustas, the Christines, the Dagmars, the Alexandras of Gaul and Goth and Vandal—women of spotless characters, whose marriage-vows are not only inviolate, but inviolable. The pagan world wrought its best, gave us the women of Rome's Golden Age, and perished. Christianity has not yet wrought its best, is ever mounting upward, but already in place and power a pure womanhood sits enthroned.

GAIL HAMILTON.

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TOLSTOÏ AND "THE KREUTZER SONATA."

BY ROBERT G. INGERSOLL.

COUNT TOLSTOÏ is a man of genius. He is acquainted with Russian life from the highest to the lowest—that is to say, from the worst to the best. He knows the vices of the rich and the virtues of the poor. He is a Christian, a real believer in the Old and New Testaments, an honest follower of the Peasant of Palestine. He denounces luxury and ease, art and music; he regards a flower with suspicion, believing that beneath every blossom lies a coiled serpent. He agrees with Lazarus and denounces Dives and the tax-gatherers. He is opposed, not only to doctors of divinity, but of medicine.

From the Mount of Olives he surveys the world.

He is not a Christian like the Pope in the Vatican, or a cardinal in a palace, or a bishop with revenues and retainers, or a millionaire who hires preachers to point out the wickedness of the poor, or the director of a museum who closes the doors on Sunday. He is a Christian something like Christ.

To him this life is but a breathing-spell between the verdict and the execution; the sciences are simply sowers of the seeds of pride, of arrogance and vice. Shocked by the cruelties and unspeakable horrors of war, he became a non-resistant and averred that he would not defend his own body or that of his daughter from insult and outrage. In this he followed the command of his Master: "Resist not evil." He passed, not simply from war to peace, but from one extreme to the other, and advocated a doctrine that would leave the basest of mankind the rulers of the world. This was and is the error of a great and tender soul.

He did not accept all the teachings of Christ at once. His progress has been, judging from his writings, somewhat gradual; but by accepting one proposition he prepared himself for the ac-

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ceptance of another. He is not only a Christian, but has the courage of his convictions, and goes without hesitation to the logical conclusion. He has another exceedingly rare quality : he acts in accordance with his belief. His creed is translated into deed. He opposes the doctors of divinity, because they darken and deform the teachings of the Master. He denounces the doctors of medicine, because he depends on Providence and the promises of Jesus Christ. To him that which is called progress is, in fact, a profanation, and property is a something that the organized few have stolen from the unorganized many. He believes in universal labor, which is good, each working for himself. He also believes that each should have only the necessaries of life,—which is bad. According to his idea, the world ought to be filled with peasants. There should be only arts enough to plough and sow and gather the harvest, to build huts, to weave coarse cloth, to fashion clumsy and useful garments, and to cook the simplest food. Men and women should not adorn their bodies. They should not make themselves desirable or beautiful.

But even under such circumstances they might, like the Quakers, be proud of humility and become arrogantly meek.

Tolstoï would change the entire order of human development. As a matter of fact, the savage who adorns himself or herself with strings of shells, or with feathers, has taken the first step towards civilization. The tatooed is somewhat in advance of the unfrescoed. At the bottom of all this is the love of approbation, of the admiration of their fellows, and this feeling, this love, cannot be torn from the human heart. In spite of ourselves we are attracted by what to us is beautiful, because beauty is associated with pleasure, with enjoyment. The love of the well-formed, of the beautiful, is prophetic of the perfection of the human race. It is impossible to admire the deformed. They may be loved for their goodness or genius, but never because of their deformity. There is within us the love of proportion. There is a physical basis for the appreciation of harmony, which is also a kind of proportion.

The love of the beautiful is shared with man by most animals. The wings of the moth are painted by love, by desire. This is the foundation of the bird's song. This love of approbation, this desire to please, to be admired, to be loved, is in some way the the cause of all heroic, self-denying, and sublime actions.

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Count Tolstoï, following parts of the New Testament, regards love as essentially impure. He seems really to think that there is a love superior to human love; that the love of man for woman, of woman for man, is, after all, a kind of glittering degradation; that it is better to love God than woman; better to love the invisible phantoms of the skies than the children upon our knees—in other words, that it is far better to love a heaven somewhere else than to make one here. He seems to think that women adorn themselves simply for the purpose of getting in their power the innocent and unsuspecting men. He forgets that the best and purest of human beings are controlled, for the most part unconsciously, by the hidden, subtile tendencies of nature. He seems to forget the great fact of "natural selection," and that the choice of one in preference to all others is the result of forces beyond the control of the individual. To him there seems to be no purity in love, because men are influenced by forms, by the beauty of women; and women, knowing this fact, according to him, act, and consequently both are equally guilty. He endeavors to show that love is a delusion; that at best it can last but for a few days; that it must of necessity be succeeded by indifference, then by disgust, lastly by hatred; that in every Garden of Eden is a serpent of jealousy, and that the brightest days end with the yawn of ennui.

Of course he is driven to the conclusion that life in this world is without value, that the race can be perpetuated only by vice, and that the practice of the highest virtue would leave the world without the form of man. Strange as it may sound to some, this is the same conclusion reached by his Divine Master: "They did eat, they drank, they married, they were given in marriage, until the day that Noe entered the ark and the flood came and destroyed them all." "Every one that hath forsaken houses, or brethren, or sisters, or father, or mother, or wife, or children, or lands, for my name's sake, shall receive an hundredfold, and shall inherit everlasting life."

According to Christianity, as it really is and really was, the Christian should have no home in this world—at least none until the earth has been purified by fire. His affections should be given to God; not to wife and children, not to friends or country. He is here but for a time on a journey, waiting for the summons. This life is a kind of dock running out into the sea of eternity, on which he waits for transportation. Nothing here is of any

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importance ; the joys of life are frivolous and corrupting, and by losing these few gleams of happiness in this world he will bask forever in the unclouded rays of infinite joy. Why should a man risk an eternity of perfect happiness for the sake of enjoying himself a few days with his wife and children ? Why should he become an eternal outcast for the sake of having a home and fireside here ?

The "Fathers" of the church had the same opinion of marriage. They agreed with Saint Paul, and Tolstoï agrees with them. They had the same contempt for wives and mothers, and uttered the same blasphemies against that divine passion that has filled the world with art and song.

All this is to my mind a kind of insanity ; nature soured or withered—deformed so that celibacy is mistaken for virtue. The imagination becomes polluted, and the poor wretch believes that he is purer than his thoughts, holier than his desires, and that to outrage nature is the highest form of religion. But nature imprisoned, obstructed, tormented, always has sought for and has always found revenge. Some of these victims, regarding the passions as low and corrupting, feeling humiliated by hunger and thirst, sought through maimings and mutilations the purification of the soul.

Count Tolstoï, in "The Kreutzer Sonata," has drawn, with a free hand, one of the vilest and basest of men for his hero. He is suspicious, jealous, cruel, infamous. The wife is infinitely too good for such a wild unreasoning beast, and yet the writer of this insane story seems to justify the assassin. If this is a true picture of wedded life in Russia, no wonder that Count Tolstoï looks forward with pleasure to the extinction of the human race.

Of all passions that can take possession of the heart or brain jealousy is the worst. For many generations the chemists sought for the secret by which all metals could be changed to gold, and through which the basest could become the best. Jealousy seeks exactly the opposite. It endeavors to transmute the very gold of love into the dross of shame and crime.

The story of "The Kreutzer Sonata" seems to have been written for the purpose of showing that woman is at fault ; that she has no right to be attractive, no right to be beautiful ; and that she is morally responsible for the contour of her throat, for the pose of her body, for the symmetry of her limbs, for the red of her lips, and for the dimples in her cheeks.

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The opposite of this doctrine is nearer true. It would be far better to hold people responsible for their ugliness than for their beauty. It may be true that the soul, the mind, in some wondrous way fashions the body, and that to that extent every individual is responsible for his looks. It may be that the man or woman thinking high thoughts will give, necessarily, a nobility to expression and a beauty to outline.

It is not true that the sins of man can be laid justly at the feet of woman. Women are better than men; they have greater responsibilities; they bear even the burdens of joy. This is the real reason why their faults are considered greater.

Men and women desire each other and this desire is a condition of civilization, progress, and happiness, and of everything of real value. But there is this profound difference in the sexes: in man this desire is the foundation of love, while in woman love is the foundation of this desire.

Tolstoï seems to be a stranger to the heart of woman.

Is it not wonderful that one who holds self-denial in such high esteem should say, "That life is embittered by the fear of one's children, and not only on account of their real or imaginary illnesses, but even by their very presence"?

Has the father no real love for the children? Is he not paid a thousand times through their caresses, their sympathy, their love? Is there no joy in seeing their minds unfold, their affections develop? Of course, love and anxiety go together. That which we love we wish to protect. The perpetual fear of death gives love intensity and sacredness. Yet Count Tolstoï gives us the feelings of a father incapable of natural affection; of one who hates to have his children sick because the orderly course of his wretched life is disturbed. So, too, we are told that modern mothers think too much of their children, care too much for their health, and refuse to be comforted when they die. Lest these words may be thought libellous, the following extract is given:

"In old times women consoled themselves with the belief, The Lord hath given, and the Lord hath taken away. Blessed be the name of the Lord. They consoled themselves with the thought that the soul of the departed had returned to him who gave it; that it was better to die innocent than to live in sin. If women nowadays had such a comfortable faith to support them, they might take their misfortunes less hard."

The conclusion reached by the writer is that without faith in God woman's love grovels in the mire.

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In this case the mire is made by the tears of mothers falling on the clay that hides their babes.

The one thing constant, the one peak that rises above all clouds, the one window in which the light forever burns, the one star that darkness cannot quench, is woman's love.

This one fact justifies the existence and the perpetuation of the human race. Again I say that women are better than men; their hearts are more unreservedly given; in the web of their lives sorrow is inextricably woven with the greatest joys; self-sacrifice is a part of their nature, and at the behest of love and maternity they walk willingly and joyously down to the very gates of death.

Is there nothing in this to excite the admiration, the adoration, of a modern reformer? Are the monk and nun superior to the father and mother?

The author of "The Kreutzer Sonata" is unconsciously the enemy of mankind. He is filled with what might be called a merciless pity, a sympathy almost malicious. Had he lived a few centuries ago, he might have founded a religion; but the most he can now do is, perhaps, to create the necessity for another asylum.

Count Tolstoï objects to music—not the ordinary kind, but to great music, the music that arouses the emotions, that apparently carries us beyond the limitations of life, that for the moment seems to break the great chain of cause and effect, and leaves the soul soaring and free. "Emotion and duty," he declares, "do not go hand in hand." All art touches and arouses the emotional nature. The painter, the poet, the sculptor, the composer, the orator, appeal to the emotions, to the passions, to the hopes and fears. The commonplace is transfigured; the cold and angular facts of existence take form and color; the blood quickens; the fancies spread their wings; the intellect grows sympathetic; the river of life flows full and free; and man becomes capable of the noblest deeds. Take emotion from the heart of man and the idea of obligation would be lost; right and wrong would lose their meaning, and the word "ought" would never again be spoken. We are subject to conditions, liable to disease, pain, and death. We are capable of ecstasy. Of these conditions, of these possibilities, the emotions are born.

Only the conditionless can be the emotionless.

We are conditioned beings; and if the conditions are changed,

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the result may be pain or death or greater joy. We can only live within certain degrees of heat. If the weather were a few degrees hotter or a few degrees colder, we could not exist. We need food and roof and raiment. Life and happiness depend on these conditions. We do not certainly know what is to happen, and consequently our hopes and fears are constantly active—that is to say, we are emotional beings. The generalization of Tolstoï, that emotion never goes hand in hand with duty, is almost the opposite of the truth. The idea of duty could not exist without emotion. Think of men and women without love, without desires, without passions? Think of a world without art or music—a world without beauty, without emotion.

And yet there are many writers busy pointing out the loathsomeness of love and their own virtues. Only a little while ago an article appeared in one of the magazines in which all women who did not dress according to the provincial prudery of the writer were denounced as impure. Millions of refined and virtuous wives and mothers were described as dripping with pollution because they enjoyed dancing and were so well formed that they were not obliged to cover their arms and throats to avoid the pity of their associates. And yet the article itself is far more indelicate than any dance or any dress, or even lack of dress. What a curious opinion dried apples have of fruit upon the tree!

Count Tolstoï is also the enemy of wealth, of luxury. In this he follows the New Testament. "It is easier for a camel to go through the eye of a needle than for a rich man to enter the Kingdom of Heaven." He gathers his inspiration from the commandment, "Sell all that thou hast and give to the poor."

Wealth is not a crime any more than health or bodily or intellectual strength. The weak might denounce the strong, the sickly might envy the healthy, just as the poor may denounce or envy the rich. A man is not necessarily a criminal because he is wealthy. He is to be judged, not by his wealth, but by the way he uses his wealth. The strong man can use his strength, not only for the benefit of himself, but for the good of others. So a man of intelligence can be a benefactor of the human race. Intelligence is often used to entrap the simple and to prey upon the unthinking, but we do not wish to do away with intelligence. So strength is often used to tyrannize over

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the weak, and in the same way wealth may be used to the injury of mankind. To sell all that you have and give to the poor is not a panacea for poverty. The man of wealth should help the poor man to help himself. Men cannot receive without giving some consideration, and if they have not labor or property to give, they give their manhood, their self-respect. Besides, if all should obey this injunction, "Sell what thou hast and give to the poor," who would buy? We know that thousands and millions of rich men lack generosity and have but little feeling for their fellows. The fault is not in the money, not in the wealth, but in the individuals. They would be just as bad were they poor. The only difference is that they would have less power. The good man should regard wealth as an instrumentality, as an opportunity, and he should endeavor to benefit his fellow-men, not by making them the recipients of his charity, but by assisting them to assist themselves. The desire to clothe and feed, to educate and protect, wives and children, is the principal reason for making money—one of the great springs of industry, prudence, and economy.

Those who labor have a right to live. They have a right to what they earn. He who works has a right to home and fireside and to the comforts of life. Those who waste the spring, the summer, and the autumn of their lives must bear the winter when it comes. Many of our institutions are absurdly unjust. Giving the land to the few, making tenants of the many, is the worst possible form of socialism—of paternal government. In most of the nations of our day the idlers and non-producers are either beggars or aristocrats, paupers or princes, and the great middle laboring class support them both. Rags and robes have a liking for each other. Beggars and kings are in accord; they are all parasites, living on the same blood, stealing the same labor—one by beggary, the other by force. And yet in all this there can be found no reason for denouncing the man who has accumulated. One who wishes to tear down his barns and build greater has laid aside something to keep the wolf of want from the door of home when he is dead.

Even the beggars see the necessity of others working, and the nobility see the same necessity with equal clearness. But it is hardly reasonable to say that all should do the same kind of work, for the reason that all have not the same aptitudes, the

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same talents. Some can plough, others can paint; some can reap and mow, while others can invent the instruments that save labor; some navigate the seas; some work in mines; while others compose music that elevates and refines the heart of the world.

But the worst thing in "The Kreutzer Sonata" is the declaration that a husband can by force compel the wife to love and obey him. Love is not the child of fear; it is not the result of force. No one can love on compulsion. Even Jehovah found that it was impossible to compel the Jews to love him. He issued his command to that effect, coupled with threats of pain and death, but his chosen people failed to respond.

Love is the perfume of the heart; it is not subject to the will of husbands, or kings, or God.

Count Tolstoï would establish slavery in every house; he would make every husband a tyrant and every wife a trembling serf. No wonder that he regards such marriage as a failure. He is in exact harmony with the curse of Jehovah when he said unto the woman: "I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children, and thy desire shall be unto thy husband, and he shall rule over thee."

This is the destruction of the family, the pollution of home, the crucifixion of love.

Those who are truly married are neither masters nor servants. The idea of obedience is lost in the desire for the happiness of each. Love is not a convict, to be detained with bolts and chains. Love is the highest expression of liberty. Love neither commands nor obeys.

The curious thing is that the orthodox world insists that all men and women should obey the injunctions of Christ; that they should take him as the supreme example, and in all things follow his teachings. This is preached from countless pulpits, and has been for many centuries. And yet the man who does follow the Saviour, who insists that he will not resist evil, who sells what he has and gives to the poor, who deserts his wife and children for the love of God, is regarded as insane.

Tolstoï, on most subjects, appears to be in accord with the founder of Christianity, with the Apostles, with the writers of the New Testament, and with the Fathers of the church; and yet a Christian teacher of a Sabbath-school decides, in the capacity of Postmaster-General, that "The Kreutzer Sonata" is unfit to be carried in the mails.

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Although I disagree with nearly every sentence in this book, regard the story as brutal and absurd, the view of life presented as cruel, vile, and false, yet I recognize the right of Count Tolstoï to express his opinions on all subjects, and the right of the men and women of America to read for themselves.

As to the sincerity of the author, there is not the slightest doubt. He is willing to give all that he has for the good of his fellow-men. He is a soldier in what he believes to be a sacred cause, and he has the courage of his convictions. He is endeavoring to organize society in accordance with the most radical utterances that have been attributed to Jesus Christ. The philosophy of Palestine is not adapted to an industrial and commercial age. Christianity was born when the nation that produced it was dying. It was a requiem—a declaration that life was a failure, that the world was about to end, and that the hopes of mankind should be lifted to another sphere. Tolstoï stands with his back to the sunrise and looks mournfully upon the shadow. He has uttered many tender, noble, and inspiring words. There are many passages in his works that must have been written when his eyes were filled with tears. He has fixed his gaze so intently on the miseries and agonies of life that he has been driven to the conclusion that nothing could be better than the effacement of the human race.

Some men, looking only at the faults and tyrannies of government, have said: "Anarchy is better." Others, looking at the misfortunes, the poverty, the crimes, of men, have, in a kind of pitying despair, reached the conclusion that the best of all is death. These are the opinions of those who have dwelt in gloom—of the self-imprisoned.

By comparing long periods of time, we see that, on the whole, the race is advancing; that the world is growing steadily, and surely, better; that each generation enjoys more and suffers less than its predecessor. We find that our institutions have the faults of individuals. Nations must be composed of men and women; and as they have their faults, nations cannot be perfect. The institution of marriage is a failure to the extent, and only to the extent, that the human race is a failure. Undoubtedly it is the best and the most important institution that has been established by the civilized world. If there is unhappiness in

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that relation, if there is tyranny upon one side and misery upon the other, it is not the fault of marriage. Take homes from the world and only wild beasts are left.

We cannot cure the evils of our day and time by a return to savagery. It is not necessary to become ignorant to increase our happiness. The highway of civilization leads to the light. The time will come when the human race will be truly enlightened, when labor will receive its due reward, when the last institution begotten of ignorance and savagery will disappear. The time will come when the whole world will say that the love of man for woman, of woman for man, of mother for child, is the highest, the noblest, the purest, of which the heart is capable.

Love, human love, love of men and women, love of mothers, fathers, and babes, is the perpetual and beneficent force. Not the love of phantoms, the love that builds cathedrals and dungeons, that trembles and prays, that kneels and curses; but the real love, the love that felled the forests, navigated the seas, subdued the earth, explored continents, built countless homes, and founded nations—the love that kindled the creative flame and wrought the miracles of art, that gave us all there is of music, from the cradle-song that gives to infancy its smiling sleep to the great symphony that bears the soul away with wings of fire—the real love, mother of every virtue and of every joy.

ROBERT G. INGERSOLL.

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OUR FUR-SEAL FISHERIES.

BY D. O. MILLS.

THE conclusion to be reached as the result of the diplomatic communications now going on between the governments of the United States and Great Britain in regard to the seal fisheries in Bering Sea is a matter of considerable importance to the commercial world. The question at issue is one which indirectly involves the permanence of an industry of large proportions and the preservation of conditions which appear to be essential to the continuance of a useful and desirable article of commerce.

For the supply of sealskin fur the markets of the world are at the present day all but entirely dependent upon the Bering Sea fisheries. The vast rookeries which at one time existed in the Southern hemisphere—in Patagonia, in the Falkland Islands, in Kerguelen Land, and in numbers of islands in various parts of the Antarctic seas—have been hunted nearly out of existence. Seals are practically unknown where three-quarters of a century ago they were to be counted by millions. Indeed, although that side of the globe is rich in breeding-grounds of the finest description, with cool water, misty atmosphere, and good landings, there are now but a few of these where the seal is found at all. The animal has disappeared before the ruthless energy and unrestrained greed of fishers of all nationalities, who for more than half a century traversed the waters bordering on the Antarctic and slaughtered it; careless whether the prized fur which had attracted them thither should be known to the markets of the future, so long as they succeeded in securing from it, in their own markets, the greatest advantage with the least trouble and expense to themselves.

But for the hospitable retreat offered to the seals in the islands of Bering Sea, it would seem that this wholesale destruction in their original habitat would have signified their total extermi-

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nation. In the whole hemisphere north of the equator these islands are the only grounds which are frequented by the seal in any numbers, and are, indeed, the only grounds which meet his requirements. Mr. Henry W. Elliott, in his "Monograph of the Seal Islands of Alaska," states that none are to be found in the Atlantic Ocean above the tropics. As to the North Pacific, a Spanish legend pointed to an abundance of fur seals in prehistoric time on the Santa Barbara and Guadaloupe islands off the coast of California, and on the neighboring peninsula, whence a few were annually taken up to 1835, and some were wont to sport on the Farrallones, off the harbor of San Francisco. But even tradition locates no seal-rookery "anywhere else on the northwest coast, or anywhere else in all Alaska and its islands, save the Pribylov group; and across and down the Asiatic coast only the Commander Islands and a little rock in the Kurile chain have been and are resorted to by them. The crafty savages of that entire region," says Mr. Elliott, "the hairy *Ainos* of Japan, and the Japanese themselves, have for a hundred years searched and searched in vain for such ground."

It may help the reader to a clear comprehension of the situation to state that, of the islands in Bering Sea mentioned above, the Pribylov group, including St. George and St. Paul, belongs to the United States, while the Commander Islands, near the Asiatic shore, including Bering Island and Copper Island, are the property of Russia.

It is from the fact that these islands are, so to speak, the last refuge of a valuable fur-bearing animal, and the main source whence the world draws its supply of the commodity which this animal affords, that the Bering Sea question derives its commercial significance. From the point of view of the interests of commerce, the substantial issue is whether or not this commodity is to be allowed to disappear through the virtual extermination of the seal by the use of methods in the Alaskan waters which have proved fatal to its existence in every other part of the world.

The measures taken by the government of the United States for the regulation and preservation of the Bering Sea seal fisheries were intended to avert this result, and, being framed in accordance with the views of men who had knowledge of the conditions to be met, they were well fitted to accomplish that pur-

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pose. The North American Company, which on the 1st of May last succeeded the Alaska Commercial Company as the lessee of the United States, is held, like its predecessor, to the strictest compliance with the rules enacted by Congress with a view to conducting this business so that it shall be at once profitable and economical. The number and the age of seals which may be killed during the year, the period during which the operations of the company's employees may be carried on, the methods which may be employed in securing and killing the seals, and other matters which are known to have an important bearing upon the maintenance of the herds, are defined in the clearest manner by the law; and these directions can be transgressed by the company or its agents only under severe penalties.

The government maintains also a force of officers to keep watch upon the work done by the lessee, and to make sure that the conditions of the lease are scrupulously complied with. The number of seals which may be killed in any year on the Pribylov Islands is limited to one hundred thousand—seventy-five thousand upon St. Paul and twenty-five thousand upon St. George; but, if it should be necessary at any time for the preservation of the fur seals, that number may be greatly reduced. No seals must be killed either on the islands or in the waters adjacent to them except during the months of June, July, September, and October, and it is unlawful to kill such seals at any time of the year by the use of firearms. No female seal, nor any seal less than one year old, may be killed at any season of the year. Such are the main restrictions placed by the United States upon the seal fishery; and there is no reason to fear that the great rookeries in Bering Sea would not continue—would not, indeed, improve—as long as the seal fur should be of value for the use of man, if the industry were carried on only under these salutary regulations.

In violent contrast, however, to these restrictions imposed upon the lessee of the United States government are the utter lawlessness and unscrupulousness of the poachers whose appearance on the fishing-grounds a few years ago led to the present diplomatic complications between our government and that of Great Britain. Their operations are carried on in absolute disregard of the future, their sole thought being of the immediate profit to be made by themselves out of the seals captured. Accordingly,

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fishing in the open seas, they turn their attention to the very subjects—the female seals and the young animals—which, in view of the facility with which they may be secured and of the great injury to the herds which would result from their systematic destruction, the United States government has wisely placed upon the restricted list. When the herds enter Bering Sea, about the end of June, nearly every female seal is with young. After the long voyage of two or three thousand miles through the heavy, boisterous waters of the North Pacific, they are naturally tired when they reach these breeding-grounds, and in a condition in which they are an easy prey to the unscrupulous hunter. Even if every such female seal which is killed were secured, it is clear that two seal lives would be destroyed for the sake of a single sealskin. But it is estimated that the hunter secures only one out of three or four such seals killed in the open sea, and on this basis the enormous destruction of seal life by the poachers, in proportion to the sealskins which are furnished for the purposes of commerce through their operations, may be easily estimated. Every sealskin placed upon the market by them represents the destruction of six or eight seals—an utterly unjustifiable inroad into the vitality of the herds, already small enough as a source of supply for the world.

There is the best evidence that the poachers confine themselves almost entirely to this commercially-precious female portion of the herds. It is reported that, out of twenty-five thousand sealskins which resulted from the work of those engaged in this disgraceful traffic, not one male skin could be found. This may be easily understood, for the male seal is strong and alert, and no hunter can get within shooting distance of him, as he can generally escape from the fastest boat pursuing him. And these twenty-five thousand sealskins represented a destruction of seal-life amounting to one hundred and fifty thousand! At this rate it is not difficult to estimate how long seal life can be maintained, if any number of vessels can engage from year to year in its destruction in this way during the months of July, August, and September. In two or three years most of the females would be destroyed, with their young, and in a comparatively short time the entire family would be extinguished, and specimens would be found only in the museums, as the buffaloes are found to-day.

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It would not materially improve matters to protect the females from the hunter before parturition takes place. They must be protected during the entire season if their young are not to perish with them. They live only upon fish, and must therefore go to the water for their food. The large fishing-banks on which the Pribylov seals must depend for subsistence are from thirty to sixty miles distant from the islands, and if the females are killed by the hunter there while feeding, the pup left on the island, which does not become able to take care of itself until after September, loses its protector and dies.

Enormous damage is done to the herds also by the manner in which the poachers hunt them in the open sea. It will be remembered that in the enactment regarding the Bering Sea seal fisheries Congress prohibited the use of firearms, and the Alaska Commercial Company, in its regulations for the conduct of affairs on the seal islands, even prohibited dogs from being kept on the islands. The seal is easily frightened, and for the proper development of the rookeries it is essential that he be exempt from any disturbance that can be avoided. Firearms are freely used by the poachers, however. Indeed, that is their chief instrument of slaughter, and the effect of attacking the herds in the water with flotillas of boats, while the air is filled with the sharp reports of guns, is injurious in the extreme. If, as was spoken of some time ago, the poachers should employ steamers in connection with sailing vessels in their work, the injury would be greatly aggravated.

The seals have been so much disturbed within the past two years, during which this controversy has lasted, that the government has been obliged to reduce the catch allowed under the contract for the present year from one hundred thousand to sixty thousand. The latest news from the islands strongly emphasizes the necessity for this step. The seals which have arrived at the grounds do not show the usual proportion of animals that, having regard to their age and quality, can be killed without detriment to the future of the herds. In these circumstances, the company has deemed it necessary to send special instructions to its agents on the islands to redouble the precautions against interference with animals whose capture would involve future loss. The method of killing employed on the islands is such as to render it perfectly practicable to carry

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out with the greatest exactness instructions of this character. The seals are driven in droves from the shore to the killing-place, and as the work is done under the eyes of inspectors representing the government and the company, it is certain that no animals are slaughtered in violation of the restrictions it has been deemed proper to impose. From present indications it would not be surprising if the catch this year fell short even of the reduced number allowed by the government.

As confirming the wisdom of the United States in its course toward these islands, in endeavoring to maintain their commercial function as a source of supply of their special product, it is worthy of note that the seal islands on the Asiatic coast, which afford furs of an inferior quality and in considerably smaller quantities, are rigorously protected by the Russian government. These islands, though only a few hundred miles from the Pribylov group, are seldom approached by British or American vessels. The Russians make short work, by confiscation and punishment, of vessels found poaching in that quarter. They have even fired into foreign vessels, without eliciting complaint from the governments whose flags were thus assailed.

It is not the purpose of this article to trench in any measure upon points of international law which belong to the diplomatic discussion of this question. But there are considerations of an international character which cannot be overlooked in viewing the subject from a commercial stand-point. It is a specially pertinent fact that Great Britain has an interest in the maintenance of the Bering Sea fisheries which is shared by no other country. Nearly nine-tenths of the fur-seal skins taken every year go directly to London to be dressed, at least ten thousand people being engaged in that city in the work of preparing the skins for the market. Here is an English industry which depends for its continued existence, at its present proportions at least, on the success of the policy of preserving the Bering Sea fisheries from the fatal inroads of poachers. As a fur-wearing people, the English have as deep a concern as we have in the preservation of the fisheries; and, indeed, Great Britain could profitably afford to pay some one to take care of the herd which has excited the cupidity of its unscrupulous enemies, rather than have the herd destroyed, or be instrumental in aiding those whose operations, if continued, must end in its destruction. And, looking at this

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question from a commercial point of view, it would be difficult for any nation to justify itself if by contrivance or connivance it should be accessory to the practical extinguishment of a species of animal which is of commercial importance, and which with proper care might be preserved to commerce for all time. Indeed, the exigencies of the situation might justify combined action on the part of all nations interested for the protection of the waters of Bering Sea pending the settlement of the present diplomatic dispute.

D. O. MILLS.

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THE McKINLEY BILL IN EUROPE.

BY GUSTAVE DE MOLINARI, EDITOR OF THE "JOURNAL DES ECONOMISTES," PARIS.

AS MIGHT have been expected, the two McKinley bills—that increasing the custom-house dues and that imposing even higher rates on various manufactured articles—have, especially the former, caused a lively commotion in the industrial and trading world of Europe. In France several chambers of commerce, that of Lyons in particular, have called the attention of the government to the Draconian provisions of the new tariff, "which," says this chamber, "is in a way equivalent to a prohibition of silk stuffs."

In a sitting of the Chamber of Deputies, which took place on the 21st of July last, the representative of a manufacturing district, M. Charles Dupuy, questioned the Minister of Foreign Affairs, asking him whether the government had entered into negotiations, either in concert with the European cabinets or separately, with the object that the McKinley Tariff Bill should be corrected by the admission of the guarantees afforded by international law. M. Charles Dupuy's strictures were chiefly levelled at the provisions of the bill which, in lieu of commissions wherein the exporters were represented, substituted a jury of custom-house experts or functionaries, and by which fraud was presumed whenever the difference between the value declared and that estimated by the jury should happen to exceed 40 per cent., thus entailing a penalty that might reach $5,000 and two years' imprisonment. As stated by M. Dupuy, those provisions were wholly new. None of a like nature were to be found in the custom-house regulations of the most advanced of protectionist nations. In France, even the law of August 21, 1791, which is still in force,

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expressly says that "the examination cannot be made except in the presence of the owners of the goods or of their mandatories."

The Minister of Foreign Affairs, in his reply, hastened to assure M. Dupuy that the affair had awakened his entire solicitude, and that he had even applied to the cabinets of London, Berlin, and Rome to see whether steps should not be taken in common and representations made to the American government respecting the unusual provisions of the bill; but that he had everywhere found "an extreme coolness on their part to engage themselves in any degree whatever"; it had been pointed out to him, and he was of a like opinion, that any steps of the kind would be likely to produce in the American Congress an effect opposed to that which was desired; that, as regards the Tariff Bill, Americans were the judges of the political course which best suited them; that that course at present tended towards protection; and that the ideal of certain American statesmen would be to organize a custom-house union with the object of instituting a sort of continental blockade against the products of European markets; that the question of retaliatory measures had been raised, whereby a grand *Zollverein* directed against America should be established in Europe, but that the project did not seem to him so soon feasible. While sharing on the latter point the opinion of the Minister, M. Dupuy concluded the debate by a threat of reprisals. "Now," said he, "our custom-house commission knows what remains for it to do."

This short parliamentary incident gives a fairly correct idea of the impression which the ill-timed McKinley Tariff Bill has made in Europe. The impression is a general one, but it is characteristic and curious to note that the impression is most acute in the camp of the Protectionists, despite the fact that these gentlemen have always had uppermost in their hearts a desire to introduce into Europe the commercial policy and custom-house schemes of Mr. McKinley. What else are we to expect? They do not pride themselves on being logical. If we lent an ear to them, all the states of Europe would enter a league to make sweeping reprisals, and interdict as far as possible the markets of Europe to all American products.

But who will listen to them? And is the McKinley Bill likely to exert any sort of influence on the custom-house legislation of Europe? That it exerts a moral influence over our minds, and

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contributes to cool the natural feelings of sympathy we entertain towards our old American friends, there can be no doubt, for sympathy is born of a community of interests, and a protectionist policy tends to separate and isolate interests, instead of uniting them; but will it exert a material influence? In view of the fast-approaching time (1892) when the treaties of commerce concluded and renewed since 1860 between France and most other countries are to lapse, are the clauses of the new American bill likely to determine a general increase in custom-house rates? Or, at least, is it likely, as foreshadowed by M. Dupuy, to provoke a rise in the rates levied on products of American origin?

To answer such a question it is, above all, necessary to examine the present state of opinion in Europe on the question of protection or commercial liberty.

We shall teach the Americans nothing new when we say that that opinion has perceptibly varied within the last fifteen years. Under the influence of the propaganda wrought by Cobden's Anti Corn-Law League, and the great reforms accomplished in England by such men as Robert Peel, Gladstone, and their emulators, a current of free-trade ideas had set in on the Continent. In 1860 France was prevailed upon to relinquish her old-time protectionist *régime*, and to conclude a series of commercial treaties on a relatively liberal basis. But, it must be admitted, this current of free-trade ideas had only influenced the upper classes of society; the whole mass of traders and workingmen remained Protectionists. Such a reform, especially in France, could never have been accomplished under a constitutional and parliamentary form of government: it was necessary that Napoleon III, converted by Cobden and Michel Chevalier, should bring to bear his dictatorial power to impose it. Yet the results of the new commercial policy proved so favorable that, during the first years at least, its adversaries were reduced to silence. They had predicted that French industry and agriculture would be ruined: these branches, on the contrary, made extraordinary progress; the foreign trade of France rose from $781,400,000 in 1859 to $1,245,600,000 in 1869; and in other countries—Germany, Italy, and Belgium—the policy of commercial treaties exerted an influence no less favorable.

Unfortunately, this honeymoon of continental free trade was brutally interrupted in 1870 by the deep commotion which the

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Franco-Prussian war occasioned in trade and commerce, and the extra burden of military and fiscal charges which it imposed on the population. Even in Germany, where people flattered themselves with the notion that victory and the war indemnity of a thousand millions of dollars would impart a decisive impetus to public prosperity, the deception was complete. To the years of excitement and great expectations that followed the war, a period of acute trouble and depression succeeded. Thereupon the protectionist ideas which had remained dormant in the minds of the multitude reasserted themselves more strongly and more noisily than ever, and they were hailed as helpful auxiliaries by governments the continued increase of whose military expenses compelled an unceasing augmentation of their receipts. Bismarck was the first, in 1879, to give the signal for the reaction, which soon spread from Germany to Italy, France, and the rest of the Continent, with the exception of Belgium and Holland, in which countries commerce and exports kept the interests of free trade uppermost. But the commercial treaties opposed a barrier to a change of the tariffs in a protectionist sense: it was necessary to wait until those treaties, concluded for a period of ten years, should reach maturity, in order to increase the rates; and, on the other hand, a large number of exporting traders, even among the Protectionists, were loath to renounce the system of commercial treaties, on account of the security it gave to their exports.

This obstacle in part postponed the triumph of the reactionary party, but without diminishing its force. What, then, was to be done? There were a certain number of articles, and among others most of the agricultural products, which were independent of the commercial treaties, and on which, therefore, the dues could be raised at any time. It was on this weak side that the Protectionists attacked the liberal *régime*, and they found a hearty support among the agriculturists and especially the landlords, whose incomes, after progressively increasing for half a century, had experienced a period of arrest and even of decrease, and who particularly attributed this state of things to American competition.

These fluctuations in the ground rent and, along with it, the value of the soil in central and western Europe, constitute an economical phenomenon of considerable importance. We will therefore briefly examine the question. Thanks to the natural

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increase of the population, the development of trade, and the multiplication of railways, the mean value of a *hectare** of soil, which was estimated in France, for instance, at $140 in 1815, reached in 1879, according to the computations of the Administration of Domains, $366, and the landed proprietors entertained the hope that this progressive rise would continue. It came to a dead stop, however; and its upward flight was arrested by the influence of that same progress which brought about its rise, viz., the progress made in establishing ready means of communication. Those means, from the outset, not only brought into closer relations the markets of consumption with the fields of production inside the country, but spread those relations beyond its boundaries. Within half a century steam navigation has diminished by more than two-thirds the ocean highway, and your enormous net-work of railways has further contributed to break through the monopoly of providing food for your people, which was formerly well-nigh exclusively reserved to the landed proprietors of our agricultural domain. Hence the arrest and even the decrease in the income derived from the soil; hence also, on the part of the landed proprietors, a furious reaction against the policy of free trade, which was looked upon by them as responsible for the diminution of their revenues.

Yet free trade was not alone guilty; it was merely an accessory to steam navigation and the railways. But, unable as they were to suppress the chief authors of the crime of reducing their incomes and the value of the soil, they laid the blame on the accomplice, and the "agricultural party" called for an increase in the tariff rates sufficient to compensate for the progress which, they alleged, exposed European agriculture to a complete submersion by reason of the constantly increasing inundation of American meats and cereals. These mournful complaints have been complacently heard by governments only too eager to seize an opportunity for increasing their own revenues; the rates on alimentary produce were accordingly raised, and carried from 25 to 30 per cent. in France, Germany, and Italy. And when the custom-house rates were found insufficient to stay the threatening flood of incoming transatlantic food, recourse was had to hygienic excuses. Thus, because a wretched

*The *hectare* is a little over two English acres.

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pig happened to die of trichinosis in the little French commune of Crépy-en-Valois, the authorities at once rendered the whole race of American pigs responsible for its sad fate, and American pork was prohibited without further ado, in spite of the protests raised by traders in our seaport towns, and the complaints of the consumers.

Protection was thus easily set up again over articles which were outside the pale of commercial treaties. At the same time a way, certainly very ingenious, was discovered to get round the treaty difficulty and even to bring about an increase in the tariffs; I allude to the *droits de combat*, or "fighting rates." Prince Bismarck, we believe, if not the actual inventor, was the propagator of this novel scheme, and the example he set before Germany was promptly imitated by Italy in prevision of the renewal of the Franco-Italian treaty of commerce. As the process is, no doubt, unknown to the American reader, we shall briefly set forth its main features.

There are two treaty tariffs—the *general tariff*, which is applied to the products of nations with whom no treaty has been concluded; and the *conventional tariff*, which stipulates reductions more or less high on the general tariff rates, and which is applied, by virtue of the clause known as that of the most favored nation, to all countries with whom treaties have been made. Now, when it is desired to renew a treaty of commerce in a protectionist spirit,—viz., by according the weakest possible reductions on the rates of the general tariff for imported articles, and by seeking to obtain in exchange the highest possible reductions on the rates payable for exported objects,—what is the course adopted? Why, the general tariff rates are simply raised. They are carried, for instance, from 25 to 50 per cent., and you say to your adversary: "I consent to renew the treaty, and I generously grant you a reduction of 20 per cent. on my general tariff, subject to a like concession on your part." If your adversary has had recourse to the same process,—that is, if he also has estabtablished "fighting rates,"—the two strategic manœuvres neutralize each other, and the result is a renewal of the treaty, with a mere increase of 5 per cent. in the rates on either side; but if he neglects such a precaution, he risks a negotiation which takes for its basis the general tariffs of both nations and is obliged to concede an effective reduction of 20 per cent., while his

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rival, who has previously raised his general tariff by 25 per cent., and who seemingly grants a like reduction, in reality raises his conventional tariff by 5 per cent. This is what took place when the Franco-Italian treaty was about to be renewed, and it brought about a rupture in the negotiations. The Italians, who are very sharp, had set up "fighting rates" which went so far as to increase ten times the former rates, and they wanted to negotiate on this new basis; while the French, who had neglected to take the same precaution, wished to negotiate on the old line. It was impossible to come to an understanding; the treaty was not renewed, and a "war of tariffs" ensued, which, if it has not interrupted, has strongly impaired, the commercial relations of the two countries.

These, then, are the results of the protectionist reaction: on the one hand, the rates on food products not included in the treaties have been raised by the principal Continental powers in Germany, France, and Italy; on the other hand, "fighting rates" have been established, which have raised the level of general tariffs in view of the expected renewal of the treaties; finally, a "war of tariffs" has followed the non-renewal of the treaties.

It would seem, therefore, that the protectionist cause has today gained a complete victory in Europe, and that to a relatively liberal period of commercial policy, opened in 1860, must succeed a new period of protection, and even prohibition, during which the protectionist majorities will impose on existing governments the obligation of favoring national agriculture and industry in view of supplying our home markets, and consequently of excluding as far as possible the agricultural produce of America, together with the industrial products of England. These forecasts, however, which appeared pretty safe even two or three years ago, now begin to seem less certain of fulfilment. Dark spots at present dot the sky of protection and threaten to cloud it over;—in Germany the increasing misery of the population, brought about by the advance in price of provisions and the diminution of external trade; and in Italy the results of the disastrous war of tariffs engaged in with France. To lend additional weight to the argument and further darken the picture, we have before our eyes the extraordinary development of England's trade, and the increase in the well-being of her people under the banner of free trade.

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These are not purely theoretical speculations, but hard facts daily attested by more and more decisive proofs. German exports are decreasing: from 3,269,000 marks in 1883 they have fallen to 3,205,000 in 1888 and 3,166,000 in 1889; the rates on cereals have well-nigh destroyed the trade of Königsberg, Dantzig, and Stettin. In the face of the calamitous results arising from Prince Bismarck's protectionist policy, the principal chambers of commerce earnestly entreat the government to return to a more liberal *régime*. "The doctrine that the foreigner has to support the rates," says the Königsberg chamber, "is now altogether an exploded theory. An experience of ten years proves the contrary." The chamber of Frankfort says: "We have reached the culminating point of a period which has created numerous exaggerations. May the governments and the peoples soon recognize that it is time to turn from the road of reciprocal isolation." "By persisting in our autonomous custom-house policy," says the chamber of Mayence, "we are provoking reprisals and closing the outlets of our industry. Existing treaties of commerce should be retained and extended, and a careful watch kept that the custom-house war in Europe does not assume fresh proportions."

Exports in Italy have fallen from a mean annual total of 1,053 millions of *lire* from 1883 to 1886 to 950 millions in 1889, and the continuous outpour of migration, which rose from 167,829 individuals in 1886 to 290,750 in 1888, attests the continual increase of misery among the people. M. Vilfredo Pareto, the author of a remarkable work on the economic crisis in Italy, published in the *Journal des Economistes* (May, 1889, and June, 1890), says: "There are localities in Venetia and the Neapolitan provinces where the exodus is complete. Entire villages have lost their population. The answer of the prefects, when questioned by the government, is unanimous: it is misery that compels these unfortunates to leave their country." Doubtless the system of protection cannot be held alone responsible for such a situation; the increase in the burden of military expenses and the general increase of public taxation have contributed their share; but the aggravation of hardships borne by the people incident to protective rates, and latterly to the war of tariffs with France, is shown by incontrovertible facts. Cast your eyes then on the brilliant picture offered by the prosperity of free-trading England, as sketched by

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Mr. Medley at the last Cobden Club meeting, and you cannot fail to admit that the reporter in no wise exaggerates when he states that it is the real triumph of free trade.*

These opposite results of two policies, which official statistics fully set forth, and which gradually come to the knowledge of the people, begin to act on public opinion, and although in France, for instance, the Protectionists have in the Chambers a crushing majority, we much doubt whether they care to make such an ill use of their preponderance as they appeared ready to make a short time ago. For a like reason we do not think, in respect of the McKinley Tariff Bill, however damaging it may be to French industry, and however lively may have been the protests it gave rise to in the chambers of commerce and the parliament, that it will determine the adoption of a policy of reprisals towards the United States.

We consulted on the subject a member of the upper trading circles of Paris, who cares little for theory, but who is thoroughly well informed on questions relating to industrial pursuits, and especially in regard to the commercial relations between Europe and America, and this is what he said:

"Some speak of making reprisals in order to oblige Americans to give up their system of protection now carried to excess, and of which the McKinley Tariff Bill is the crowning feature; but to what purpose? It is a piece of work for which that system will itself furnish the cure. If protection ends by closing the American market to European products, will it not by the same stroke as effectually close the European market to American products? For it is quite clear that people only sell inasmuch as they are able to buy, and that products must be exchanged for products.

* We will here reproduce, in support of what we have said, a few of the more significant figures in Mr. Medley's report. From 1888 to 1889 England's foreign trade rose from £635,520,979 to £743,230,274; the railway traffic increased from £61,111,000 to £67,588,000; the operations of the London clearing-house, from £6,942,172,000 to £7,618,766,000; the bank deposits, from £580,000,000 to £610,000,000; and the savings banks, from £104,574,456 to £107,882,373. Agriculture has largely benefited by this general improvement: the number of acres brought under cultivation has increased by 106,809; the number of horses by 8,684; of oxen by 4,165: of sheep by 546,058; of pigs by 90,222. On the other hand, emigration fell by 185,500 individuals in the first six months of 1889, and by 158,964 in the corresponding period for 1890; the number of the poor succored in England and Wales, which was 825,509 on January 1, 1888, and 810,132 on January 1, 1889, was reduced to 793,465 on January 1, 1890. Finally, the number of criminals, which in 1868-1869 was set down at 58,441, fell in 1887-1888 to 43,336, although in that period the population increased from twenty-two millions to twenty-nine millions of persons.

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The Americans, you say, will cause us great damage by rendering their markets inaccessible to our products : let them do so; they will entail much greater damage on themselves. In order to convince yourself of this you have only to compare the importance of the United States market for Europe and that of the European market for the United States. In 1887–1888, on a total export trade of $683,862,000, the United States furnished $519,298,000 of products, or seven-tenths of their exports, to the seven European nations with which they do the most business, viz., England, Germany, France, Belgium, Holland, Spain, and Italy. During the same year those seven countries supplied the United States, on a total export trade of $2,723,000,000, with only $264,300,000 of products, or less than one-tenth. Compare those figures. What else do they mean than this ?—that, while the closing of the United States market would only make us lose *one*, the closing of the European market would entail on the Americans a loss of *seven*.

"I know that some of our industries would be rather badly hurt, but not so much, after all, as some fancy. Thus, our woollen industry, the total production of which is estimated at $160,000,000 and the exports at $80,000,000, only supplies $8,000,000 worth to the United States, or one-twentieth of the production. Our silk industry, the production of which is set down at about the same figure, exported $3,000,000 worth more, but the rigors of the tariff have for several years past gradually lowered the exports to the United States under this head, without any very perceptible damage arising therefrom. The reason for this is that, side by side with an outlet which protectionism closes, there are others that free trade opens and extends. See, for instance, what took place in regard to our wines. Formerly the United States constituted one of our best markets. Forty years ago, in 1852, we sent them no fewer than 230,000 *hectolitres*.* In 1888, under the influence of increased rates, our exports under that head fell to 59,000 *hectolitres*, although the number of likely amateurs has doubled within that space of time in the American Union. But here is the compensation. Whilst the United States increased their tariff, England lowered hers : from five shillings and sixpence per gallon she reduced her rate to one shilling. The result was that our wine exports to England mounted from 27,000

* The *hectolitre* is a little over twenty-two imperial gallons.

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hectolitres to 270,000, thus amply making good the loss American protectionism had entailed.

"Are the Americans likely to find similar compensations if the European markets were to close, or merely to contract, in front of them? In what consists nearly the whole of their exports to Europe? In three articles: cotton, food products (meat and cereals), and petroleum. They have not, however, the monopoly of these staples. We do, in fact, receive from the United States 66 per cent. of the total quantity of cotton used in our manufactures, and the failure of American cotton during the War of Secession brought about in England and other manufacturing countries a woful crisis. Still, the high price of cotton encouraged and developed its production in India, Egypt, and Brazil, so that if the war had lasted a few years longer, the deficit would have been fully retrieved. As regards petroleum, Russia is as well supplied in this respect as the United States, and the petroleum from the wells of Bakou daily takes up a larger place on our markets. As regards the food products, they arrive from all parts of the globe. Forty-five different countries vie with each other in providing England with cereals, and preserved meat or live stock comes to us even from the antipodes. I do not know whether American farmers are in such a state of prosperity as readily to dispense with the markets of Europe, but it is quite certain that their produce would visibly be replaced by Argentine, Chilian, and Australian imports, if the McKinley Tariff Bill gave rise to all the effects that are expected from it. Let us, I say, note its action. It will more effectually contribute to convert Americans to free trade than the most violent reprisals are likely to do."

We shall take care not to add theoretical reflections to this estimate of the McKinley Tariff Bill by one who is a thoroughly practical man. We would, however, seize the occasion which is offered us to compare incidentally the natural order which the great Ordainer of things has established with the artificial order which European and American politicians make it their business to put in its place. He has diversified the productions and the aptitudes of production in such a way that men, if they were willing to conform to his beneficent intentions, might readily procure all the things necessary to the satisfaction of their wants, in as great an abundance as possible, and in exchange for the least

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amount of labor and trouble : the Americans might drink their fill of our good wines, whilst our poor workmen would eat their full quantum of the meat that encumbers your shambles, and of the maize that your farmers are obliged to burn in order to get rid of it. But political Protectionists have interfered, declaring that it is better to drink the sour national beverage rather than good foreign wine, and to go without food rather than seek for it beyond the frontier—in short, that each people should be self-supporting ; and while the great Ordainer of things has dug the beds of oceans and rivers that man may more easily communicate with man and exchange earth's products, they have raised barriers that are daily run up higher and higher to thwart and prevent those exchanges. If, moreover, the barriers were fixed, they would establish a certain stability in the scale of the production, and, while raising the cost of living, would insure to a certain extent the means of existence of the producers.

But those barriers are movable ! Their level rises and falls from one day to another, according to the caprice or the interest, more or less avowed and honest, of those who build them ; and each time the level changes, the conditions of existence of a multitude of individuals are upset, without their even being able to say whence comes the crisis to which they fall the victims. They are none the less told that the artificial system to which they owe these continual upheavings and troubles is instituted for their "protection." May we not be allowed to think that the system set down by the great Ordainer of things would protect them better and at less cost ?

GUSTAVE DE MOLINARI.

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CLIENT AND ARCHITECT.

BY MRS. SCHUYLER VAN RENSSELAER.

FANCY a painter unable to make pictures except when some one says to him: Paint now, paint this or that, and paint it thus and so; or a poet or musician forced to wait for similar behests, and getting them, very often, in the shape of uncongenial themes and narrow limitations. Imagine this and you will realize the architect's actual position, and the contrast between his life and that of other artists. Of course, the difference is neither accidental nor designed, but inevitable. It is the natural result of the fact that architecture is not an art pure and simple. It has a practical side. Its products are not mere objects of beauty. They are useful objects made beautiful, and they cannot be spun out of the artist's brain, but must cost a great deal of money. When useful, costly things which take up a great deal of space are in question, demand must precede supply. The poet or the painter caters to the public's taste; the architect serves the public's express wishes.

These facts mean two things. They mean that the architect must be something more than an artist, and that the client has a part to play which is only less important—which from one point of view is even more important—than the architect's own. As neither perfectly fulfils his duty in America to-day, it may be worth while to define in brief what that duty is. Let us begin with the client.

I.

The client—whether a unit or that multiple of units called a committee—should remember that architecture is not practical only, but that its æsthetic side is as inevitable and important as its utilitarian, should realize that he who meddles with artistic things owes a duty to others as well as to himself, and know that this is especially the case when the result is to stand conspicuous-

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ly before the public eye. It is false to say that there are structures which need not be "architectural" at all; that men may build at times, yet put all thoughts of art aside. Everything that ever was built is a good work of architecture or a bad one. If it plainly shows that its builders did not even try to make it good, it is only the more inexcusably bad. We are not naïve savages. We know that if a man is hungry for food or for beauty our obligation is the same, and we must give him the best that opportunity allows. When we insist that our neighbors shall daily look upon barrenness or deformity, when we fill what before was placid, empty space with crying shapes of ugliness, we are bad citizens, brutal neighbors. Some one has said that to build a hideous house is to indulge in the worst form of selfishness, and I am not sure that he exaggerated much.

Thus the client, whatever he means to build, should look about him for an architect, in the sense of a man who values at its highest the artistic side of every problem, great or small, elaborate or simple, and has thoroughly prepared himself to treat it. This is the first and the great commandment: an artist is needed for an "unimportant" as well as for an "important" building. Indeed, these words should not be used as they commonly are; for architectural things are most important in their aggregate, and in making up this aggregate it is the smaller units which play the larger part. If every twenty-five-foot house in New York could be made truly excellent, inside and out, would we not gladly give in exchange our few large and sumptuous buildings?

The second commandment is that when we set an artist to work we should let him work as freely as possible. "Undoubtedly," you may say; "but who is to decide just what is meant by these words?" In a letter I received not long ago from an American architect I find the following answer; it may sound startling, but, believe me, none could be more true and wise:

"The public must first learn to trust us as it does lawyers or doctors, before architecture can develop into a great art. Only when a public has learned to put its interests in building into the hands of trustees who are architects, can the latter do their best work. Any examples otherwise produced are accidental and not healthful developments."

That is to say, the architect's client should reason with himself somewhat in this fashion: Here is a problem to be solved which is very difficult, as demanding both a practical and an artistic solu-

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tion. Here is a man whose profession it is to deal with such problems. The respect I feel for professional skill in other directions, artistic or practical, as the case may be, I should now feel with double strength. Of course, I must tell him exactly what I want, as I must describe my state of body to my doctor or my business tangle to my man-of-law. But, this done, I should feel sure that he will know best how my wants can be supplied. Of course, he is working for me, but so is my doctor, so is my lawyer. I am not more interested in the outcome of his efforts than of theirs; it is not a sign of folly, a confession of disgraceful ignorance, to defer to professional skill when they are concerned: the folly would be, and the ignorance and disgrace, did I try to doctor myself or to plead my own cause, or, after engaging some one more competent to do it for me, did I dictate to him, cavil at him, and hamper his hand at every turn. And by just so much as art is more subtile and, so to say, more professional than anything else, by just so much ought I to be most modest, most scrupulous, most trusting, when her ministrants are at work for me.

But this, American Public, is exactly what you do not say to yourself, except of very recent years, and in the very rarest instances. You do not see that it is just as foolish to refuse professional help in building as in law or medicine, and a great deal more selfish; nor, when you ask an architect's help, do you follow and help him with half enough docility and trust. You must have your own say about his work, and your own share of credit if it succeeds. Truly, you own the result. But it belongs also to the artist and to the world at large, and their interests are quite as important as your own. The architect, it cannot be said too often, works only when you give him the chance, and only as you permit. Just now our art is in a transition stage. This is a crucial time, when every effort is of such importance that you would be glad to escape from all responsibility, eager to shift it all upon the architect, if you were only a little less ignorant with regard to the depth of your own ignorance. What you ought to know is that in any profession, and especially in so complicated a one as this, the weakest professional is likely to do better than the cleverest amateur.

Whatever you want, then, go to an architect for it; not to a carpenter, or a mason, or your own still more profound incompetence. Tell him all your practical, material desires, and insist that

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they shall be respected. That is to say, if you are quite sure what they are, and quite certain that it is possible to respect them. This is by no means always the case. To be unsettled, vague, self-contradictory, unpractical, impossible, is one of your most common faults, and one for the inevitable results of which you are only too apt to blame your architect. Settle your practical desires and state them clearly; and, if you will, pour out your vague æsthetic wishes; try to explain those crude artistic preferences, those misty, formless visions which you are pleased to call "my own ideas." But then go home, and leave him who is a trained artist, an experienced planner and constructor, to work out your problem in his own way. If what you get is exactly what you want, be very thankful; say that you are; and give the credit where credit is due. And if what you get is not quite all you want, or exactly what you think it ought to be, why, be thankful still; for the chances are (nay, the certainty is) that, had you interfered, the result would have been more unsatisfactory still.

This, then, American Public, is, as I conceive it, your duty in matters architectural. Or—for I must now confess that I have been playing the part of special pleader—this would be your duty, everywhere and always, and without possibility of doubt, if the architectural profession also recognized its duty clearly and was unanimously bent on its fulfilment.

II.

In turning now to you, The Profession, can it be said that you have no shortcomings? Are there not many things in your attitude towards your client and towards your art which must be reformed, if you, if he, and if that art are to profit and to prosper as they should? Of course, you will agree that the public should trust you as it trusts the legal or the medical profession. But are you sure that you deserve to be trusted to quite the same extent? We are pretty certain that any lawyer or physician "in good standing" will do his very best for us. He may be stupid, but he is not likely to be uneducated, careless, or unfaithful. Theory would teach us to have the same confidence in you; but does experience prove that we always can? When we ask you and pay you to do a certain definite thing, can we feel confident that you will know how best to do it, and will do it as exactly as you can? that you will not slight it in favor of more interesting

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work, and will not causelessly alter it into something more like your own idea of what we ought to want? Can we feel confident that, if the task is small and cheap, you will approach it as carefully as though it were large and costly, or that, when we name the sum we want to pay, you will scrupulously respect the limitation, and scrupulously give us the most and the best you can within it? Many men in other professions sin by making things cost more in the end than they said they would in the beginning; but do they sin as frequently, frankly, and light-heartedly, or with as many specious maxims in excuse, as you? Do not say that the conditions differ. Of course they do, and of course in your case they are singularly complex and difficult. But your responsibility is increased, not lessened, by the fact. If it is peculiarly hard for you to make your clients understand the difference between a desirable or necessary increase in cost and an increase which comes merely from wilfulness, carelessness, selfish ambition, or stupidity on your part, then it is peculiarly needful that you should never be careless or selfish or more stupid than poor mortality is sometimes allowed to be. If it is essential that your client should have more confidence in you than in his lawyer or physician, then you should be still more conscientious. You should work unusually hard to inspire that trust which to you, and to the general progress of your art, is so absolutely indispensable. And this I do not think that, as a profession viewed in the mass, you yet have done.

I know that as a whole—as an Architectural Profession really worthy of the name, as something different from a mere body of building creatures—you are very young in America. Every one who cares for our art must recognize this fact, must see in your youth lusty strength, right ambition, and healthful promise; must have followed your progress thus far with admiration, and must believe in your future. If you could hear all that is said about you by serious and critical observers, I am afraid you would grow conceited. You are by no means conceited now. Indeed, you hardly realize as yet what surprisingly good work you have done as compared, not with your fathers only, but with your rivals over sea. Yet with all the respect, gratitude, and admiration that they feel for you, I think such observers see that you have faults, and that they are faults of character rather than of artistic endowment. Now, faults of character do not greatly matter with

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artists who paint or carve or even write, but with you they matter in the most vital way. An architect cannot shut himself up in his closet. He must come in contact with the public both as artist and as man; the public must trust him, while it need only weigh the poet and the painter after the act; and their product it may take or leave, while it is obliged to keep whatever you bestow. Therefore it is that, as men and artists, you must set yourselves a lofty standard. You must respect yourselves, respect each other, respect your client, and respect your art (each for its own sake and always all together), if you have any hope that the public will do the same.

Let me hasten to say that there are some among you who fulfil this ideal. There are American architects who come pretty near to being models of all an architect should be. That is,—for I want to explain myself quite clearly,—they have prepared themselves in a thorough, all-round way to deserve the professional title; they think in the first place of their art and what it demands of them, in the second place of their client and his inalienable rights, and only in the third place of themselves; and in thinking of themselves it is still for art they care more than for pecuniary profit. To do all this means much labor and constant self-abnegation. But they know that they are artists, and if they did not mean to do it all, ought they to pretend to the artist's name or standing or reward?

Does this look like a fancy picture in your eyes, American Public? It is a faithful portrait, drawn from more than one original. As a picture of the whole profession it would, indeed, be flattered; yet it ought to be such a picture; and until it is, or, at least, until some distinct approach is made to the qualities it exhibits, the profession as a whole will never win the position it should, the public as a whole will never take the attitude it ought, and our art as a whole will never have the best chance of development. I may quote again, as a summing-up, from the letter already cited. It was written hastily for private reading, not as a formal confession of faith, but is, therefore, all the more significant.

"I have never spoken to you on the subject of the responsibility of my profession in this new country, where we have to create its status, but I feel its importance most keenly. The public must first learn to trust us as it does doctors or lawyers, before architecture can develop into a great art. . . . Therefore, every architect, no matter what his genius, who shows any lack of conscience or devotion to the responsibility his client has laid upon him, does more to ruin the cause of true architectural advance than any design of his creation can counterbalance. . . . I am proud of the men

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in my office. Thus far they have been but average fellows, but all seem quickly to feel the responsibility and dignity of their profession, and learn to accept the self-restraint and sacrifice it entails. . . . Of myself I may say that I have never yet had a chance to do anything great, but I have been patiently fitting myself for that opportunity (should it ever come) by trying my best and uttermost on everything, no matter how unimportant it may be; and I do not really think that anything has ever passed through the hands of our firm that greater care could at the time have improved."

Is not this, in truth, the heart of the matter—loyal trust on the client's part, loyal service on the architect's? When we say that the architect should think first of his art, do we not mean that he should prove that some kind of art may result from the faithful solution of the given problem, instead of trying to produce a higher kind, or a kind easier of production, by wilfully altering the problem? If he reveres his art, and wishes to make the public revere it, he should never doubt of its capacity. And if he is sure that in the given problem his capacity cannot keep touch with the capacity of art, then, as an artist, he has no right to meddle with it—whatever he might decide to do as a mere money-making man.

III.

Which, now, will be more in fault, public or profession, if there does not soon grow up that happy accord upon which the future of our art depends? If loyal trust is not the rule, and does not always meet with loyal service, where chiefly rests the responsibility of developing a better state of things? Chiefly, I think, upon the public; and for several reasons.

In the first place, it is the public which in each given case must take the initiative. The architect cannot choose his client; the client must choose his architect, and it is his own fault if to-day he does not choose a good one. Then, in the second place, the profession, with all its faults, has certainly gone further than the public on the road to ideal excellence. The great advance it has made in recent years towards loyal service—which means, be it remembered, both competent and conscientious service—has been due to its own right instincts. The public has never asked that its architects should fit themselves better for their work than they did in former years; nor when they have thus fitted themselves is it properly conscious of the fact or properly grateful for it. Do we clearly see the kind and degree of difference which marks off our good buildings from our bad ones? Do we so in-

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telligently, so persistently, encourage trained ability that untrained incompetence need feel greatly discouraged ?

Nor are we more careful to foster professional honor and frankness than to foster true art. That system of competitions which has been supposed the best aid to art and the best protection for the client is answerable for much that we deplore. Open, unpaid competitions are an abomination. It is folly, and something worse, to ask the members of a respectable profession to show us their ideas for nothing, and to expect to get their best ideas or the ideas of the best among them. Limited, paid competitions, where certain chosen artists are asked to submit schemes for comparison, and are promised a fair reward for their trouble, should stand on a different footing. But they are often managed with so total a lack of respect on the client's part, not only for art, but for mere labor, and so total a disregard for the precepts of business good-faith and common honesty, that they, too, have become a by-word and reproach. I cannot dwell upon this thorny subject here ; those who care to pursue it may take a file of the *American Architect and Building News* and look up the references under the index heading "Competition." Let me only beg of my reader that, whether he be architect or client, he will never countenance in any way an unpaid competition; that, if as a client he shares in the management of a paid one, he will keep the Eighth and Ninth Commandments—will mean what he says and say what he means and stand honestly by his meanings and sayings, and will not try to get something for nothing, or more than he asked for the price he agreed to pay; and that, if as an architect he takes part in such an enterprise, he will try not to break the Tenth Commandment in deed, or word, or thought.

But a competition is a make-shift thing at best. In the majority of cases an architect should be chosen in the same way as any other professional adviser. It is easy to discover his standing among members of his own profession, easy to estimate his past results, and easy to draw conclusions from the effect he produces upon you as a man. Or, if all this is not always easy, it is not as hard or as risky as to judge from those architectural drawings which are so misleading to the untrained eye. Of course, it is more difficult to make sure in advance of conscientiousness than of capacity. But, as a general rule (which is not, perhaps, without exceptions), capacity implies at least artistic conscien-

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tiousness, for it means thorough preparatory training; and such training means right ambitions, since no strong external pressure has enforced it.

The subject of architectural drawings is too important to be passed over with a word. Much of our trouble in the past has come because the public does not understand that it takes an architect's eye, or, at least, an experienced eye, to read an architectural drawing rightly. At its best it is a conventionalized thing; at its worst it is about as mendacious a thing as one could find. The effects a novice admires most on paper are often the very ones he will not notice or will not admire in the building. The points which on paper seem least important are often those which will tell most strongly in brick or stone. Even that picture which is called a perspective cannot easily be understood; and a plan, a section, an elevation, are not pictures at all, but signs and symbols, which the novice often misconceives most entirely just when he thinks he has unravelled every knot. It should be a maxim, therefore, that never in competitions of any kind should judgment be pronounced without the taking of expert testimony. The interests of the client and those of the architect both demand that some competent artist, not himself concerned in the matter, should be asked—and paid—to explain the submitted designs.

Even apart from competitions, the public's conduct is not what it should be to encourage loyal service. Often enough in all his dealings the client shows a disregard for truth, honesty, and business methods which he would find very shocking were the architect the sinner and he the sufferer.* And when the work is complete, he constantly takes credit for good ideas which do not belong to him, blames his architect for defects that his own ignorant demands have brought about, and, above all, cries out against an excess in cost that has been necessitated by changes from the original scheme which he himself has suggested.

Finally, our building customs are not yet arranged on a genuine business basis, and this is chiefly the fault of the public. With the best will in the world, a client rarely knows what he has

* See, again, the files of the *American Architect and Building News*, and especially the issues for January 16 and February 6, 1886, where there is an instructive account of a case of Architect vs. Client. It was pleaded in a New York court, the damages asked were heavy, the defendants were the building committee of a prominent club, and the verdict was given for the plaintiff.

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a right to expect from his architect in the way of executive service, and almost always expects too much. "Superintendence" is a bone of contention between them, and will so remain until the public realizes all that is meant by architectural work, as a combination of art and science, and is willing to pay a fairer price than at present for its proper execution.*

In short, the American architect has less reason to trust the American public implicitly than the public has to put confidence in him. Therefore upon the client even more than upon the architect—and yet upon him, too, in no inconsiderable measure—lies at this moment the responsibility of improving our condition in matters architectural. If we are to have that reciprocal loyalty in trust and service from which alone can grow a healthy, prolific, and truly national art, the public must learn to bear itself as intelligently and honorably as the profession does to-day, and thus encourage the profession to still greater conscientiousness.

M. G. VAN RENSSELAER.

*See *American Architect and Building News*, "Building Superintendence"; and *Century* magazine, January, 1889, "Are We Just to Our Architects?"

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LITERARY WOMEN IN LONDON SOCIETY.

BY MRS. CAMPBELL PRAED.

PERHAPS before I attempt to picture certain types of the literary woman one meets in London society it may be as well to define what London society is.

What do we in London call society?

It is certain that in the London of to-day the term Society admits of a far broader meaning than it did in the days of our grandfathers. Then society meant the court circle, into which only a few representatives of literature and art, and those mostly privileged by birth, found their way. Now the "smart people," as they are called, do not by any means constitute society. They are its most important element—the pivot, indeed, on which society turns; but aristocratic exclusiveness is a thing of the past, and fashionable people are only too ready to welcome as friends the men and women who amuse them or make them think. The English craving after social sensation has become rather a by-word among nations, but, at least, the craving is a healthy sign of dissatisfaction with the vapidity of ordinary social life. The old-fashioned seclusion of aristocracy has gone into the infinite azure of the past, and the aristocrats themselves recognize the fact and do not trouble themselves about it. There is place in society now for the leading members of almost every art and profession. The old fences have been broken down, and both in the geographical and the moral sense the area of London society is every day widening.

Thus one may describe society as bounded on the north by Regent's Park, on the south by Chelsea, on the west by Kensington Studios, and on the east by the Victoria-Street flats. That is the way it is bounded geographically and architecturally. Morally, it is bounded on the north by the Medical Profession, on the east by the Bar, on the west by Art, and on the south by the Church.

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What I mean by this boundary is that here are the extreme limits which, if you cross outward or are unable to cross inward, show that you are not in society. Dissent is not in society; but the Catholic Church is—very much so, indeed, just now. The plutocrat can always get into society. Wealth's golden key opens society's doors of glass. The poet tells us that it failed to open beauty's door of glass, but things have changed since Moore's time. The plutocrat, however, counts for little or nothing in the literary question. He does not color literary society; he has to take his color from it. He has to fall in with society's latest craze after "light and leading,"—to quote the words which almost every one believes to be Disraeli's, but which Disraeli only cited from Burke's "French Revolution." He must know how to flavor his dinner parties with the wisdom of Cambridge and to brighten his drawing-rooms with the wit of Upper Bohemia.

There are ever so many literary women, nevertheless, who never take the trouble to get into, or anywhere near, society, and who yet are not Bohemians in the old-fashioned sense. The old-fashioned Bohemia can hardly be said to exist any longer. There are, indeed, some haunts where it still lingers, in a shadowy sort of way—some night clubs where belated authors and journalists and actors "smoke in" the dawn. But the Bohemia of literary men and women has hardly any existence. Musette and Mimi would no more be received among these literary women who do not seek after society than they would be received in a country rectory. Musette and Mimi would have a far better chance of being allowed to come and be looked at in society itself. If they were popular ballet dancers or burlesque actresses, and therefore curiosities, some daring duchess might ask a few friends to come and stare at them. The class of literary women I am now dealing with do not want the duchesses and would not have Musette and Mimi. They have a very happy society of their own. They used to inhabit the Bloomsbury and Fitzroy-Square regions at one time, but lately they have migrated to the quieter and less pretentious parts of South Kensington and to the slopes of Maida Vale. There they entertain each other, and very pleasant, bright parties they give, at which there are much good music and much clever talk, where every one of the guests has a name in the playbill; yet not one belongs to the smart society into which others of their kind enter. The aristocratic and "smart" people would come there

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if they were asked, but they are not asked, for our friends have old-fashioned ideas, and, mistakenly it may be, decline to regard themselves as curiosities to be stared at or humble virtues to be patronized.

Very charming women some of these literary women are. They take to literature as a business, and are neither ashamed of it nor made self-conceited by it. They make no more fuss about it than a man does about being a doctor or a lawyer. They lead the simplest, most domestic, of lives. They work hard in the most unpretentious way. Over five-o'clock tea and especially on the long winter afternoons, when the curtains are drawn and the fire burns brightly, they allow themselves the relaxation of society such as the comradeship of work brings—society, for the most part, of intellectual men and women, who drop in and make themselves at home and talk over intellectual problems; the last serious novel; the last volume of critical essays; the latest scientific theory, which scarcely spreads beyond the inner circle of the elect. They talk "shop" even, and discuss prices and publishers; for these are matters of real and vital importance in homes which owe many of their comforts and luxuries to success in the literary market. Some of the best novels, some of the prettiest poems, come from these women, who, while they take little personal part in the world of London, influence society in an indirect manner a great deal more than they know. Was it not Ovid who spoke of his "little book" as destined to go without him and without envy on his part into the great city? So with these women. They send their clever books into society. They stay behind and envy not.

But, on the other hand, to be in society is the dearest aim of a certain type of the London literary woman—the type which courts paragraphs in the society papers and takes every opportunity of advertising itself into a cheap notoriety which it mistakes for genuine fame. Literary women of this type must be, to an extent, outsiders, and "society" for them means occasional invitations to dinners, luncheons, and evening parties at certain fashionable houses where the hostess makes it a specialty to have always a number of lions on show, without strict regard to the breed of the lions, Nemæan or other. Indeed, the ordinarily successful literary woman, be she either of the assertive or retiring sort, becomes accustomed to being had out "on show," and, if she

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has a sense of humor, may derive considerable gratification from the parade. There are, of course, literary women who by right of birth belong to the great world, and others not "born" who take their place at once in it by reason of natural affinity or social gifts, or by force of genius, which commands equality everywhere. But as a rule the literary woman of average distinction, and without any special attractiveness or social qualifications, though she may be recognized by the great world, remains chiefly in that debatable region of London society that I have called Upper Bohemia.

And besides, democratic and eclectic as society has become, there must always be on the part of the literary man or woman who takes part in the life of fashionable London a certain vague sense of being in the world, but not of it; a sense of divergence of real interests, and of assisting as a spectator rather than a performer in the social masquerade. This result is inevitable where classes meet, but cannot, from the nature of hereditary training and association, entirely blend; but it is less marked than is generally believed. I remember an American man-of-letters once said to me that he thought the position of a literary person in London society must be a somewhat ignominious one, as he or she would almost certainly have to go in last at a fashionable dinner party. Yes, it is true, as a matter of fact, of the average literary success, but the inference is not quite correct. If Mr. Gladstone dines at a table where there are a dozen utterly obscure peers, half of whom he has himself created, he has to follow them out of the dining-room. But is his position ignominious? Does it matter how he enters the dining-room, so long as he does enter it? It is so with a literary man or woman of real distinction. Browning would have had to follow some rich soap-boiler who had been made a baronet. But the soap-boiler could not be made into a Browning. Where MacCallum More sits, there is the head of the table.

It is not, however, at the fashionable dinner parties that the literary woman shows to the most advantage. The luncheon party has begun to take the place of the old-fashioned breakfast party, which was always specially consecrated to intellect and real conversation—not talk. Macaulay used to say that he liked to be asked out to breakfast because it showed that his company was really desired, whereas people were invited out to dinner merely

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as a ceremony or a social duty. The breakfast party is nearly gone. The luncheon party, and most particularly the Sunday luncheon party, has come into vogue instead. Dinner is a ceremonial. You entertain in due rotation the people who entertain you. But people are asked to luncheon because other people want to meet them and to hear them talk. The London literary woman who goes into society is much sought after for luncheon. She talks at her best there, and there is no weariness for her or others, because just when the gathering has become most delightful, it dissolves and all is over. "So soon" appears to be the feeling at the close of a luncheon; "so long" at the end of a dinner.

Still, it must be remembered that these luncheon parties are not strictly literary gatherings. They are entertainments given by fashionable hostesses at which the best literary men and women meet with cabinet ministers and popular preachers and painters and great lawyers and generals and earls and marquises, and so forth. There is not the faintest notion of patronage or condescension about them. Thank Heaven, the days of the patron for the literary man or woman are over. What could Lady Violet Lebas do for a young authoress now? How many copies of the new novel would be sold because it was dedicated "by permission" to her ladyship? Mr. Latham brought out his new and improved edition of Johnson's Dictionary and never troubled his head about Lord Chesterfield.

And certainly London society and London literature are to be congratulated upon the complete disappearance of the "Woman of Quality" authoress who was so common a feature in the society of a former day. There are many women of position in London society who write social, political, or philanthropic articles in newspapers and periodicals, and the lady of rank has taken to travelling a good deal of late and to making a book out of her travels; but if the woman of rank writes now, she writes on just the same conditions as any other woman, and her "quality" is not obtruded upon us. It may be partly due to the widening of society's doors that the days of the literary salon in London are no more. There is no Mrs. Thrale, or even Lady Morgan. There is no Holland House, with its imperious mistress, Lady Holland. There is no Gore House, with Lady Blessington. Or—to come to a later time—the Miss Berrys are gone, and George Eliot, who on Sunday afternoons used to

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gather round her all that was most distinguished in the literary and scientific world, is gone too; and gone is Mrs. Proctor (Mrs. Barry Cornwall), who may be said to have had almost the last literary salon in London society, and who linked the London literary world of yesterday with the London literary world of a day when literature was a distinct stream not yet merged in the ocean of mere society.

There is, in truth, a sad want of organized literary entertainment in London society; the few efforts that have been made in that direction have not been successful, and have ended in mere evening parties, where there is much music and at which half the guests have no claim to be considered literary. We have no Nineteenth-Century Club, no Sorosis. The starting of an Authors' Club strictly confined to literary men and women has been talked of, but has never been carried out. At the annual banquets of the Royal Literary Fund or Press Fund literary women are not allowed to dine, but are brought in when the actual feeding is over, as children are brought in at dessert, and are then graciously permitted to hear the speeches. One of the dramatic societies was the first, I believe, to venture on the bold innovation of allowing women to dine at the table. The Society of Authors, a somewhat recent and important organization, solicits the membership of women and admits them to an equality with men at the annual dinner which of late it has offered to the representatives of foreign literature. But the time seems yet far off when the literary woman will sit down with the literary man side by side at every board in public, just as she does in private.

In France the literary woman and the political woman are in many cases identical terms, and the political salon means to a great extent the literary salon too. In England the reverse may be noticed, and with one or perhaps two striking exceptions the literary woman counts for nothing in English politics. Yet it is certain that the increased interest of women in politics has done even more, perhaps, than the increased interest in literature to break down the fences of Belgravia and Mayfair. The two great political divisions have got into a new form of constitutional agitation, which consists of drawing-room and garden parties, where speeches are made by men and women alike. Therefore the duchesses and countesses have to welcome the clever women who can talk and who have a name.

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There are more women actively engaged in politics now in England than there ever were before, but they are not literary women, nor even, very often, pamphleteers. They make speeches; they canvass at elections; they organize constituencies; they hold drawing-room meetings; they are Primrose dames; they are leaders of the Woman's Liberal Federation; they carry on newspapers; they write for newspapers; but they do not write books. Literature with the English woman runs almost wholly into fiction. It might be said that it runs wholly into fiction, if one did not remember that there are a great many women who write for newspapers, reviews, and magazines, and that there are still a few women who write poems. The novel, and particularly the "society novel," seems the natural mode of expression for the woman who is discontented with an obscure lot, and who, having no drama to speak of in her own life, enjoys drama vicariously through the characters she creates.

The question comes, How does this expansion of society affect the literature produced by women? How does it, in short, affect the novel—since that is the main product of the literary woman? It affects it for good in one sense. Novels of society are written now by women who know what society is, and who can write something worth reading about it. In former days there were fashionable lady novelists who knew all about society; but then their merit consisted solely in that knowledge, and their books were hardly worth reading. Now we have novels written by women who are admitted to a study of society and who have artistic instinct enough to turn out works of art. On the other hand, it has to be owned that the more society welcomes the novelist, the more the novelist writes to please society.

Now, it is certain that the one great demand of London society in our days is amusement on cheap and intellectual terms. Society will not stand strain or even stress of mind and brain. Sometimes it will go so far as to put on an appearance of profundity and to go into raptures about some deep-thoughted book which some great man has praised. But its especial desire is to be pleased, and its novelist writes to please it, as the king's minstrel in old days sang to please the king.

Society likes to read of itself, of its own sports and follies and vices, its own drawing-room dramas, its "tragedy in trousers," its comedy of the teacup and palm-leaf school, its breaking hearts

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which throb discreetly beneath diamond stars and hothouse "button-holes," its emotional subtleties conveyed in the droop of an eyelid, the movement of a finger, the inflexion of a "No" or a "Yes." Analysis, and not action, is the characteristic of our feminine fiction, as it is also of our modern and social life, and to dissect human nature under its society swathings needs the skill of a Balzac or a Thackeray, while the feminine counterpart of a Balzac or a Thackeray is difficult to find. Hence, though the mean level of the society novel may be higher for the wider social opportunities offered to our lady novelists, it is very doubtful whether the true novel of genius flourishes in proportion to the increased number of our imaginative writers; whether, indeed, genius is not apt to be stifled by the complexities and puerilities of our "end of the century" civilization. The atmosphere of the drawing-room encourages too much of superficial description, of conventional limitation, of cheap and airy cynicism, of languid mental introspection. It does not help to breed a passion-plant like Jane Eyre.

MRS. CAMPBELL PRAED.

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POPULAR ERRORS REGARDING HEALTH.

BY DR. WILLIAM S. SEARLE.

BULWER has somewhere said that, "when a lie once gets into the world, it is astonishing how hard it is to get it out. You may beat it about the head until it seems to have given up the ghost, and then, the next day, meet it on the street as healthy as ever." Nevertheless, lies of all sorts should be clubbed at every opportunity. Else how shall truth prevail?

On scarcely any subject are more false notions current than on that of health; and among these few are more commonly accepted than this: that a changeable climate is an unhealthful one. "What horrible weather!" "How can any one keep well in the midst of such sudden and frequent changes!!" "It is a wonder we do not all die!!!" Such expressions are trite, and on the lips of even intelligent and educated people.

Our most variable and trying season is that of spring. And it is true (as is proved by the census) that it forms the most fatal quarter of the year. Then consumption reaps its harvest. The old and feeble succumb. Even the fierce heats of summer, if unaccompanied by epidemics, do not destroy so many lives. But are these results justly and wholly chargeable to the violent atmospheric changes of this season? By no means. Other factors are at work here which at present we have no space to discuss.

But let us look for a time at the reverse of the picture. No life at all could have birth or continuance without the stimulus of external forces. All life would be extinguished were the swing of these forces too widely extended. Life, on the average, is longest and best where a happy medium between death-like stagnation and volcanic explosion of natural forces exists. Let there be no change marked by the thermometer or barometer; let the sun always shine or never shed his blessed beams; let

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electricity and magnetism be withdrawn, and how quickly would this globe be depopulated!

On the other hand, who could survive a doubled range of heat and cold? What form of animal or plant life could withstand reduplication of any of the natural forces which environ mankind? The question, then, is narrowed to this: What climate most nearly approaches the aforesaid happy medium which is conducive to the most perfect health, as well as the greatest longevity? The appeal must needs be to facts of a comparative nature, as to which, unfortunately, we are but partially informed. Concerning the average duration of life in our own and other civilized lands we are pretty well instructed. But of that in countries of comparatively invariable climate we are very ignorant. No estimates of the latter are upon record.

It can scarcely be doubted, however, that in such climates as prevail in our Middle and Eastern States, modified as they are by the inventive genius and art of man, the average extent of life equals, and probably exceeds, that of any other portion of the globe. True, our population suffers from certain forms of disease from which the inhabitants of milder regions are partially or wholly exempt. But, on the other hand, they are subject to maladies to which we are strangers. Here the organs of the chest suffer most; there those of the abdomen. They have also to endure malaria in its more violent forms, as well as fevers, both endemic and epidemic, which are here unknown. When, therefore, we take into account the greater number and severity of the diseases to which dwellers in invariable climes are exposed, and rightly estimate the protections from inclement weather afforded to the feeble by our intelligent civilization, there can be little doubt that, even in respect to mere longevity, we possess a decided advantage.

But there are other and worthier ways of measuring life than by numbering its days. Life, in its fulness and richness and fruitfulness, is developed and enjoyed only where the climate is fickle. The ambition, energy, inventiveness, and general capacity which have made our civilization what it is, and which are yet to make America a greater nation than the world has seen, are, to a large extent, the results of a variable climate. Henry Ward Beecher used to say that the land where no cellar was dug was the land of feebleness and inanity. Doubtless we owe much of our

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development to free institutions. But we owe more to climate. It may even be doubted whether free institutions or constitutional government could have birth and growth under changeless skies. Certainly, as we understand and enjoy them, they never did so originate, for the republics of Greece and Rome were far from our ideas and realizations.

It may be set down as axiomatic that any external force applied to a living being, which is not too intense or prolonged to allow full reaction, provided that no disintegration of tissue is caused by it and that the necessary time is afforded for such reaction, is beneficial—contributes to both growth and endurance. It acts as a stimulus, awakening otherwise latent forces, and brings into fullest play the energies of both body and mind. As one creeps half-alive from his bed, after long and deep slumber, to be roused into full vitality by a shower bath, thus also do climatic changes act upon him.

It is said that to become a true poet one must experience the baptism of suffering; that one cannot be a true artist till his eyes have been opened to behold what ordinary men fail to discern; that he who would lead the mass must stand above it. All such truths find parallels in the physical sphere. He who knows what it is to get his "second wind" understands this point practically, if not philosophically. And there is a mental "second wind," as well as a physical; both, to a large extent, dependent upon climatic changes. A chilly, rainy day or week in spring time benumbs and depresses every faculty of body and mind and soul. But when it is over, and the sun bursts out, the rebound takes us to otherwise unknown and unconceived elevations. Hence the enervated inhabitants of unchangeable climes are unheard of as originators of thought and action. They exist. They do not live.

Which of the glorious achievements of man have found birth and growth in the regions so much envied by the grumblers who loudly complain of the fierce, swift buffetings of our climate? Where were born and nurtured the great poets, historians, novelists, scientists, musicians, inventors, orators, statesmen, dramatists, warriors, explorers, of earth? No sluggish air, no torrid heat, no frozen land, no changeless clime, produced them. Storms swung their cradle; rocks obstructed their footsteps; they were tossed about at the sport and whim of nature in her liveliest moods;

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relaxed by heat and then benumbed by cold; cloud and sunshine followed each other swiftly over their pathway; they had to fight for their very existence, not gorge food ready at their hands or fallen at their feet. Thus were their natures made robust and capacious; thus they became such men as no tepid, placid, changeless regions ever saw.

Let us, then, cease to bewail that unsteady and fickle climate which mocks "weather bureaus" and laughs prophets to scorn. Rather let us welcome the changing seasons, and praise their blessings, as well as the beauties they unfold around us.

Exceedingly common is the notion that length of life is controlled by habits, and that a careful observance of what are called good habits must necessarily insure to every one longevity. Indeed, some appear to think that such self-denying persons ought never to sicken or die.

It was my fortune, many years ago, to know a man who held to this idea and who carried out to the full such a course of life with more than ordinary consistency and intelligence. His income enabled him to completely realize his ideal. He trained his body carefully and regularly; he had no "small vices," nor great ones; he ate the plainest food, but it was always of the best, well prepared and abundant. Not one of those habits which are esteemed good was neglected, and those which are called bad were shunned with abhorrence. He boasted that he was never sick, and that he would live to celebrate his one-hundredth birthday. He had a neighbor of the most self-indulgent kind. He also was a man of wealth, who took no exercise beyond an occasional pleasure drive, who uniformly ate a hot and rich supper at ten o'clock at night, and of whom it was asserted that, though never drunk, he was rarely, if ever, perfectly sober. The former of these gentlemen died at sixty-four; the latter at sixty-eight. Of the heredity of either I have no knowledge.

Now, while it would be entirely unwarrantable to argue from these facts that the former did not lengthen, nor the latter shorten, his life by his habits, these, in common with many similar instances, tend to demonstrate the truth that good habits do not necessarily insure longevity, nor bad habits surely prevent it. They enforce our opinion that too much influence of this sort is commonly attributed to each proposition, and that other and more

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powerful causes determine the period of existence of individuals and of mankind.

Of these causes it is unquestionable that heredity is easily the chief. Habits have much to do with our comfort and happiness while we do live. But, given hereditary longevity, bad habits must be very bad, and steadily persisted in, to enable them to destroy life; while, given hereditary brevity of existence, no habits, however good, can greatly prolong it.

Among my acquaintances is a woman, who some years ago, was alive at the age of ninety, and of whose decease I have not heard, who, for a large portion of her life, has been a drunkard and an opium-eater. One of her sons has been a drunkard of the most reckless type for thirty years, and during that period has aged as little as any man of my acquaintance.

Another instance which well illustrates our position came under observation in my hospital clinic. A patient complained of deafness. Inspection showed ears filled with impacted cerumen. This was easily removed, and perfect hearing restored. As a record is kept, his name and age were asked. To all outward appearances he was about fifty years old. But he claimed to be seventy-five. The following conversation ensued:

"Are you sure of that?"

"Yes."

"How old was your father when he died?"

"He is not dead yet. He is between ninety-five and one hundred."

"How old is your mother?"

"She died at about eighty."

"What is your business?"

"A tailor."

"On the bench?"

"Yes."

"All your life?"

"Yes."

"Well, tailors have not the best reputation for habits: how is it with you?"

"About like the rest."

"Get drunk occasionally?"

"Yes."

"Drink coffee and tea, smoke and chew?"

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"Yes."

"Ever sick?"

"Not since childhood."

Here was a man, poor, living under the worst conditions, a slave to bad habits, who did not appear to have exceeded fifty years, and who was seventy-five. Why? Solely because of heredity.

It will be found, on investigation, that this general law prevails throughout both the animal and vegetable world. Accidents excepted, plants and animals live as long as their progenitors; and this, too, under many unfavorable conditions. A striking illustration is furnished by our common domesticated birds. The parrot and canary are constructed of like tissues; they are kept in captivity; equal care is bestowed upon them; and yet, as a rule, the canary dies within ten years, while the parrot often survives one hundred. And for this most remarkable difference there is no assignable cause but heredity. Why should one flower be an annual and another a perennial? Again, heredity. Why should the elephant so long outlive the tiger or lion? Again, heredity.

That habits do influence longevity no sane man will deny. To habits more intelligent and more in consonance with nature's laws, perhaps, may justly be attributed, at least in part, the gradual increase in the average duration of life in this and other civilized countries. Our theorem is, not that there are no absolutely good and absolutely bad habits, nor that they have not an influence upon longevity; but that this influence is much less than is customarily supposed—so small, indeed, as hardly to be taken into account when compared with that of heredity.

One other phase of this subject is worthy of mention. Good habits, long persisted in, may and do become bad habits. To some this proposition may appear paradoxical. But it will become clear when we reflect that any routine in habit tends to the over-use of certain organs, and to a corresponding lack of the use of others; so that, on the one hand, the former become liable to diseases of over-excitability, while the latter are rendered liable to those of torpidity. Thus even good habits may become productive of disease. Indeed, it is so common as to be within the observation of every one that a change from such routine is conducive to health—in fact, often entirely renovates the individual.

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Hence the benefits of vacations which afford an entire revolution in the scenes and employments of professional and business men. Broadly considered, change, which brings about an alteration of vital action, is the sole curative principle in disease, whether accomplished by fresh scenes, unaccustomed diet, altered habits, or drugs. As a conservator of health, too, it is preëminent.

Those, therefore, who expect to retain health or attain long life as rewards of unvarying regularity, even though in accord with the best of habits, reason unphilosophically, and rely upon insufficient and illusory causes. They overlook or fail to comprehend what may be called the doctrine of catastrophism in nature —nature, whose notorious irregularities they deprecate and bemoan —nature, which rears animals and plants, and keeps both in perfect health by the most complex, variable, and apparently lawless influences.

With the moral bearings of this subject we have no present concern, though we recognize their great importance, and the limitations which, properly understood, they impose upon all men. They are often and fully and wisely set forth by competent instructors in the family, the press, and the pulpit. Nor do we desire to lesson the force of such teachings.

Physiological truth, however, like truth of all kinds, needs no apology, nor defence, nor reticence. The only question, which is older than Pilate (nay, coeval with man), is, "What is truth?" Let that once be settled, as it can only be by free and intelligent discussion, and we need have no fear of expressing it.

W. S. Searle, M. D.

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A JANUS-FACED STATUTE.

BY THE HON. RICHARD P. BLAND, REPRESENTATIVE IN CONGRESS FROM MISSOURI.

GREAT interest was manifested throughout the country as to the probable outcome of the agitation of the silver question in Congress during the current session. The anxiety concerning the legislation likely to take place was not confined to financial or commercial circles, but was the subject of universal interest among the masses of the people everywhere.

The result, like all measures adjusted to meet the exigencies of party harmony, to tide over party dissensions and differences, is unsatisfactory to the country. The bill is a master-piece of duplicity and double-dealing.

Its Janus face is so moulded as to have the appearance of silver to the West and of gold to the East. The interpretation can be made to conform to the prejudices or wishes of all classes. To the bullion-owner it is made to appear as offering him a larger market for his product. To the gold advocate it is interpreted to mean the gold standard and gold-redemption. To the Greenbacker it holds out the temptation of increased issue of legal-tender treasury notes. To all it promises a larger volume of money.

The bill is as follows:

"SEC. 1. That the Secretary of the Treasury is hereby directed to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding $1 for 371.25 grains of pure silver, and to issue in payment for such purchases of silver bullion treasury notes of the United States to be prepared by the Secretary of the Treasury, in such form and of such denominations, not less than $1 nor more than $1,000, as he may prescribe; and a sum sufficient to carry into effect the provisions of this act is hereby appropriated out of any money in the treasury not otherwise appropriated.

"SEC. 2. That the treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the treasury of the United States or at the office of any assistant treasurer of the United States, and when so redeemed

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may be reissued; but no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion, and the standard silver dollars coined therefrom, then held in the treasury purchased by such notes; and such treasury notes shall be a legal-tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received, may be reissued; and such notes, when held by any national banking association, may be counted as part of its lawful reserve. That, upon demand of the holder of any of the treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

"SEC. 3. That the Secretary of the Treasury shall each month coin two million ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the treasury.

"SEC. 4. That the silver bullion purchased under the provisions of this act shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of charges or deductions, if any, to be made.

"SEC. 5. That so much of the act of February 28, 1878, entitled 'An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character,' as requires the monthly purchase and coinage of the same into silver dollars of not less than $2,000,000 nor more than $4,000,000 worth of silver bullion, is hereby repealed.

"SEC. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the treasury as a miscellaneous receipt, and the treasury of the United States shall redeem from the general cash in the treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed, and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as 'national-bank notes: redemption account,' but the provisions of this act shall not apply to the deposits received under section 3 of the act of June 20, 1874, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public debt statement as debt of the United States bearing no interest."

It will be noticed that the bill is adroitly drawn so as to vest in the Secretary of the Treasury almost unlimited discretionary powers, so that, according to his interpretation and manipulation, the law can be so enforced as to lead to general disappointment.

In its regular order the first comment to be made upon the bill concerns the purchasing clause. The Secretary of the Treasury is directed to purchase monthly four million five hundred thousand

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ounces of silver bullion, *or so much thereof as may be offered, at the market price thereof.*

The power to purchase is to be exercised by the Secretary of the Treasury. He is to ascertain what the market price is. The bullion-holders may or may not offer bullion at the price ascertained or fixed by the Secretary of the Treasury. So at last the amount of bullion to be purchased is largely left to the results of dickering between the holders of the bullion and the Secretary of the Treasury. Those who count on a large increase in the circulating medium may be disappointed. The representatives of the interests of the silver-producers who voted for the bill with a view of affording a larger market for silver bullion may also be deceived. The law of 1878, restoring to the coinage the standard silver dollar, provided that the Secretary of the Treasury should purchase not less than two million nor more than four million dollars' worth of silver bullion monthly, and coin it as purchased. The only discretion given him here was between the two million and four million dollars' worth. He was bound to purchase at least two millions' worth. This was mandatory. No such language as "so much thereof as may be offered at the market price thereof" appears in the law of 1878, which statute is repealed by the act under consideration.

That this provision was not deemed satisfactory by the representatives of the silver producers is shown by the debates. The following colloquy took place in the Senate, pending the consideration of this Conference Bill, between Senator Stewart, of Nevada, and Mr. Sherman, the chairman of the Senate conferees:

Mr. STEWART—I should like to ask in regard to the phrase "or so much thereof as may be offered in each month, at the market price thereof."

Mr. SHERMAN—I have already stated about that. If it is not offered, as a matter of course the Secretary cannot buy it.

Mr. STEWART—I should like the views of the Senator from Ohio as to whether it would be the duty of the Secretary of the Treasury, under the language used in the bill, to buy four and a half million ounces per month if that amount were offered, or could he decline to buy on the pretext that it was not offered in this country at the market price in London? Could the Secretary of the Treasury depress the price of silver by refusing to buy unless he could get offers at the London price?

Mr. SHERMAN—I have no doubt the Secretary of the Treasury, under the gravest responsibilities and gravest obligations to obey this law rigidly, would not allow himself any doubtful construction. He would go on and buy, whatever might be the results to him or to anybody, four and one-half million ounces a month. We cannot legislate upon the idea that the officers of the law will disregard the law, or evade it, or avoid it. If I thought so, I would want to abolish the office of the Secretary of the Treasury. The eye of any man holding that position would be keenly set upon the language of the law, and a fair construction of the law, and it is not to be

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assumed that he will avoid or evade the duty imposed upon him, whether he approve it or not. I have not the slightest doubt that the present Secretary of the Treasury, or any other Secretary, whatever may be his party creed, would obey the law; and if not, he ought not to be there a moment, and he would be liable to impeachment if he disobeyed the law.

Mr. STEWART—I merely want to get the Senator's idea. The Senator, then, does not think there can be any danger of the Secretary's failing to buy four and a half million ounces of silver a month if he can get it for less than par as provided in this act?

Mr. SHERMAN—I have not the slightest doubt of that. You cannot legislate upon the idea that the officers will not execute the law.

We imagine the apprehensions of the Senator from Nevada were not entirely quieted by the evasive answer of the Senator from Ohio. Nor is the Senator from Nevada content with the policy of Mr. Windom thus far adopted, if reports of the press be true.

In explanation of this clause, Mr. Conger, of Iowa, chairman of the Committee on Coinage, Weights, and Measures, and chairman of the House conferees on this bill, said:

"The first section of the House bill has been adopted in the conference report with this exception, that we have changed the amount of silver bullion to be purchased from $4,500,000 worth to 4,500,000 ounces, or so much thereof as may be offered. In changing the measure of the amount from dollars to ounces we do not prescribe the exact amount that is to be purchased each month. When we say dollars' worth, no matter whether silver goes up or goes down, the currency is increased just that much and no more. By the other plan of purchasing so many ounces, if silver goes down, the circulation is decreased, while if it goes up, the amount of treasury notes issued is increased. By adding the words, 'or so much thereof as may be offered in each month,' we do not, in the judgment of the majority of the conferees of both houses, change the amount that will be purchased and treasury notes issued therefor, but we do take away the possibility of a 'corner' or of speculation on the part of the bullion-owners, and give the Secretary of the Treasury some opportunity to defend himself and the treasury against the sharps who might attempt at the end of each month to force him to purchase, at a fabulous price, the amount directed by law."

It is to be noted that the original Windom Bill or proposition introduced in the House by Mr. Conger, and referred to the Committee on Coinage, Weights, and Measures, contained two safe provisions, as was claimed by the Secretary of the Treasury and by Mr. Conger. One was that the Secretary of the Treasury should have the power at any time to suspend silver purchases, if, in his opinion, there was an attempt to unduly bull the price of silver or to corner the market. The other was to reserve to the Secretary the power to redeem the treasury notes in silver bullion. This was to preserve intact the gold standard. It will also be remembered that these provisions were bitterly fought by the silver-men in the House and the Senate. Secretary Windom was

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so positive and determined in his opinions that he came out in a newspaper article in the Washington *Post* insisting that some such provisions should be incorporated in any bill that passed, or it would be better that no legislation at all should be had; evidently meaning a veto.

To meet this difficulty two provisions were inserted in the conference report and adopted as part of the law. The first is to be found in the purchasing clause, which practically gives the Secretary the powers he insisted on—that is, to purchase bullion only when offered at such rates as he may ascertain to be normal. In lieu of the bullion-redemption clause, the language of the second section is inserted, as follows:

"That, upon the demand of the holder of any of the treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law."

This was, no doubt, intended as a direction to the Secretary of the Treasury to redeem the notes in gold on demand. It has always been held by the gold advocates, and all the Secretaries of the Treasury since the restoration of silver, that silver cannot be paid out or coined and utilized, except in such quantities and subject to such limitations as in their opinion can be safely allowed, without disturbing the gold standard of value; that, should the government at any time refuse gold for its obligations when demanded, such refusal would be tantamount to a suspension of gold payments; that gold would immediately go to a premium, and our standard would be the depreciated silver dollar. "Under such regulations as the Secretary may prescribe" may mean, and doubtless was intended to mean, the sale of bonds under the Resumption Law, should such a course be deemed necessary to procure the gold required to preserve the gold standard or the parity of the two metals.

Again, it must be observed that the language used is the parity of the two *metals*, not the two *coins*, for the two coins are now at par. If the Secretary is not to redeem in silver till the parity of the two metals is established and maintained by this bill, then, of course, silver payments are forever prohibited. This bill can never restore this parity. While the provisions and objects of the original bill of the Secretary of the Treasury are so obscured

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and covered up that the law can be made to read one way to a Western audience and the opposite way to an Eastern constituency, yet it must be confessed that the objects and purposes of the Secretary's bill are amply provided for.

The new law is a radical departure from the law of 1878 in respect to the basis or ratio of utilizing silver for monetary purposes. The law of 1878 compelled the coinage of the bullion as fast as purchased. The coin could be deposited and silver certificates issued thereon. Whether the coin or certificate was in circulation, it went into circulation at the ratio of 16 to 1. This is the established legal ratio between the two metals. The new law, however, provides for issuing notes on silver bullion at its cost price or gold value—not coining value. The metal is not to be coined at all after July, 1891, except at the discretion of the Secretary of the Treasury, and in amounts sufficient only for the redemption of the notes. But, as before pointed out, the notes must be redeemed in gold if the theory of the gold standard is to be adhered to; hence no redemption in silver will be made; consequently no silver will be coined.

The net result is a practical suspension of the coinage of silver at the legal ratio. The only use to be made of the metal is as a bankable commodity on which notes may be issued, based upon the market value in gold of this bankable commodity. Thus silver is virtually demonetized and discredited as a standard of value, and gold, and gold only, fixed upon as the standard of payments. To accomplish this result more effectually, if possible, the law of 1878 providing for the continued coinage of the standard dollar is repealed. The effect of the bill is to repeal the law of 1878, requiring the purchase and the coinage monthly of not less than two million nor more than four million dollars' worth of silver bullion, and to substitute therefor a law that may be construed to mean the purchase of so much silver bullion as the Secretary of the Treasury and the holders of the bullion may agree upon, not to exceed four million five hundred thousand ounces monthly; treasury notes to be issued in payment of these purchases, in amount equal to the market or gold value of the bullion, and to be limited in amount in circulation to the gold value of the bullion so purchased; these notes to be redeemed in gold when demanded, in order to maintain the parity of the metals on the gold standard of payments; the silver dollar no longer to be coined as a standard

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of value. The bill is an evident abandonment of the double standard.

In the foregoing the gold face of the bill has been exhibited for Eastern admiration. Now comes the silver side for the delight of the West.

First, it will be contended that the purchase of four million five hundred thousand ounces of bullion is mandatory; that the Secretary of the Treasury would be impeached if he sought to evade it; that these purchases will put in circulation from fifty-seven to sixty millions annually; that the result will be a large appreciation of silver bullion, and as the price increases the amount of currency that will result will also increase; that there is the possibility of sixty-five or seventy million dollars to be added annually to the circulation of the country; that by the operation of the law silver will reach so near a par with gold that its free coinage will result in a short period of time; that the first clause in section 2, providing for the redemption of the notes in coin, has no gold direction in it, and this clause is just as binding as the subsequent one; that the requirement for coining a sufficiency of the bullion for the redemption of the notes will preserve the ratio of 16 to 1, and dispels the idea that silver is to be used as a mere commodity.

These inferences are fairly drawn from the terms of the bill. The law is a two-faced monstrosity—one face looking with smiles of golden promise to the East, but, on the other side, one radiant with the image of the Goddess of Liberty engraven in silver, beckoning the plaudits of the West.

That the law will be executed in accordance with the wishes and views of the friends of silver till after the next Presidential election may be predicted. First, because up to that time no great accumulation of silver bullion can be had under its provisions, even by purchasing the full amount authorized. Secondly, the party in power will not incur the hostility of the mining States, so much interested in a market for silver bullion; nor, on the other hand, that of the masses of the people of the Northwest and the West, who are demanding a largely-increased circulation.

After the next Presidential election much will depend upon the character of the administration. Should the succeeding administration entertain the same views in regard to silver as the present and the predecessor of the present administration, the law will

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no doubt be executed in a manner that will cause great disappointment to those friends of silver who supported it.

If the law remains upon the statute-book, the silver question will necessarily be an issue in the coming Presidential election.

The fate of silver will greatly depend upon the manner in which the law shall in the future be carried out.

The last section of the bill, covering into the treasury the lawful money held for the redemption of the notes of national banks, makes available about fifty-four million dollars to be paid out in current expenditures. This was necessary to meet an expected deficiency caused by the extravagant appropriations of the present Congress. But the currency will not in the end be expanded, since the bank-notes outstanding, for the redemption of which this fund is deposited, are constantly coming in to be cancelled and retired.

In closing this article I must be indulged while attempting to urge the practicability of and the absolute necessity for the unlimited coinage of silver. It is assumed that our bank-note issues will soon disappear. There is no probability of the people of this country in the near future electing a House of Representatives favorable to any system of national banks.

The only mode at this time of augmenting our circulating medium, to meet the needs of growing business and the rapid increase of population, is the issuing of circulating notes upon the deposits of gold and silver coin. Our policy now is to issue these notes, dollar for dollar, on the coin or bullion. The bankers' rule would permit the issuing with safety of three dollars of notes for one of specie. This we are not doing. We require a dollar of coin to be held for the redemption of every note outstanding. What greater security than this could be reasonably asked? It will not do to say that the silver dollar is depreciated, for as to the coin that is not true, and as to bullion the depreciation would disappear with the demand for it which free coinage would give. Besides, the reserve of dollar for dollar would so restrict the issue of notes as to guarantee their par.

The contention that we would be flooded with a *dump* of the silver of the world is not tenable. The conditions at present, as well as the history of the world, are against it.

There is no country now having a surplus of silver, or even a dollar to be dispensed with at a loss. No coined silver could be

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sent to our mints from the old world except at a loss of about three cents on the dollar, owing to the difference in our ratio of coinage and theirs.

The history of all ages shows that from the beginning of civilization the precious metals have been held in such high esteem and so largely sought for that nothing—not excepting wars, pestilence, and famine—will not be endured before a people will consent to part with their stock of these metals. The disastrous failure of Germany to part with her silver at a sacrifice is a warning too recent to be ignored by any other country. To show the passion of mankind for the acquisition of precious metals, we might instance the dangers and privations endured in the search for them. The discovery of gold in California was immediately followed by an exodus of our people on a journey of three thousand miles across the continent. They forced their way through the great "Sahara of America," contending with the hostile savage, battling with famine, disease, and death that left victims on every mile of the perilous road. Nerved and sustained by the hope of reaching the land of gold, the hardy pioneers moved in continuous train from the Missouri to the Sacramento. There they were met by the people of every clime. The land and sea were brought into requisition to pour forth the peoples of the world upon the mountains and the plains of the new Eldorado. There was found a veritable modern Babylon. Every tongue was heard; every nation was represented. All this for the innate love of the nations of the world for the precious metals.

The discovery, ten years later, of the rich silver deposit of the Comstock lode in Nevada reversed the tide of immigration. The hardy miners of California, with their caravans of pack trains loaded with mining implements and provisions, performed the hazardous feat of crossing the summits of the Sierra Nevada in midwinter to be the first on the ground to locate their claims upon this famous lode. Napoleon's crossing of the Alps was no more perilous, or more awful in the grandeur of the undertaking, than the crossing of the dismal Sierras by the brave Californians in the winter of 1859 and 1860 in search of silver on the eastern slope.

Rome by wars and conquests robbed the nations of their precious metals, and thus conquered the world and exacted tribute from every source of commerce. The discovery of vast and rich deposits of gold and silver in the jungles of Africa would be the

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prelude to the immediate conquest of that country and the subjugation of its inhabitants to the rule of civilization, science, and art.

So long as this innate and insatiable desire of all mankind for the precious metals exists, none will willingly part with their accumulations of ages, that have cost so much of privation and suffering, simply to accomodate our mints or to surfeit us with silver.

The truth is that, no matter how we accumulate silver or gold, or both, whether by the purchase in open market or by the open mint, the stock of precious metals so accumulated will prove a source of wealth and power, which in the near future will enable us to dominate the commerce of the world and make New York, instead of London, the world's clearing-house for the exchange of gold and silver at our present ratio, or such as we may reasonably establish. The annual product of gold is rapidly declining. The richest of our silver mines are also being rapidly worked out. It cannot be expected that the present yield of silver will long continue. With gold mines now failing the world over, and the great probability that the yield of silver will also in a short period lessen from year to year, the world in the near future will be compelled to draw upon the treasury stock that we must accumulate if we enter upon free coinage.

It is the aim of wise statesmanship, as well as husbandry, to lay up wealth for a rainy day.

RICHARD P. BLAND.

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THE PAN-AMERICAN CONFERENCE.

BY M. ROMERO, MEXICAN MINISTER TO THE UNITED STATES.

I.

ALTHOUGH the idea of assembling a congress wherein all the American nations should be represented is not a new one,—as it originated when they accomplished their independence, and was brought about in South America by its liberator, Bolivar, very heartily supported in this country by Henry Clay, then Secretary of State,—the Hon. James G. Blaine can be properly considered as the originator in this country of the movement which resulted in the recent International American Conference. He first proposed it in 1881, when he served as Secretary of State for the first time, under President Garfield's administration. He then limited the object of such a conference to the negotiation of an agreement for the purpose of settling by arbitration all differences that might arise between American nations.

The change of administration which soon afterwards took place, following the assassination of President Garfield, caused this idea to be abandoned, as at that time it had not been well received. Chili was engaged in a war with Peru and Bolivia, and some thought that the proposed conference was an attempt to interfere in that difficulty. Mexico also received it very coolly, for she had then a boundary question pending with Guatemala, and Mr. Blaine had proposed that the President of the United States should arbitrate thereon. But, unfortunately, the way in which he made the offer indicated an opinion unfavorable to the rights of Mexico, which were based on undeniable historical facts; and for this and other reasons the proposal was not accepted. The idea remained latent in this country, however, and it was revived under President Cleveland's administration, although without any intervention on his part. It was brought forward in the House of Representa-

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tives by Mr. McCreary, a distinguished Democratic Representative from Kentucky, and in the Senate by Mr. Frye, the distinguished Republican Senator from Maine. These facts show that it was not taken up as a political measure, since it was supported by both the parties which have struggled for the ascendency in this country. President Cleveland's administration did not second the proposal in an active manner; all it did was not to oppose it.

The personal views of the new promotors of the project were not limited to arbitration, but embraced every subject which might affect the relations of the United States with the other American republics. To avoid opposition, it was necessary to accept new suggestions which came up during the discussion of the bill. Finally, the act of May 24, 1888, embraced eight different subjects which the Conference was called upon to consider, some of them covering even four branches.

From this plain statement of facts it appears that Mr. Blaine had nothing to do with the enactment of the law which convened the Conference, and therefore he is not, and cannot be, responsible for the form in which it was finally approved.

As this law was passed, during a Democratic administration, by a Congress with a Democratic majority in the House of Representatives, although the Republican party had control of the Senate, it was natural that it should embrace several of the principles contained in the platform of the dominant party, as, for instance, those referring to the development of foreign trade and to a silver coin of uniform fineness and weight to be a legal-tender in all the American nations. It was natural, too, that the delegates of the United States, appointed by a Republican administration, should represent the protection principles of that party, and that, therefore, they would not be eager to accept the measures concerning the development of foreign trade, and would look with concern on the coining of silver into legal-tender money. This is owing to the diversity of political and economic views in the two parties which control this country, and which from time to time attain ascendency; and it happens sometimes that one house of Congress is controlled by one party and the other house by the other party. For these reasons, and from the frequent rotation of political parties in the government of the United States, it is very difficult to carry out successfully any

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complicated affair which requires complete continuity of views and efforts on the part of all the branches of the government for any length of time.

It may be assumed that, as a general rule, the Latin-American nations, except, perhaps, the Central American states, and two or three of the South American, looked with distrust on the meeting in Washington of an International American Conference, fearing that its object might be to secure the political and commercial ascendancy of the United States on this continent, to the disadvantage of those nations; but this distrust did not go so far as to make them refuse the invitation. Fortunately, when they were invited, there was no serious question pending between the Latin-American states which could prevent their acceptance, as was the case when a conference was suggested in 1881. The invitation was therefore accepted by all the American nations, with the sole exception of San Domingo, which gave as her reason that she thought it unnecessary to be represented in the Conference, because a commercial reciprocity treaty made with the United States in 1884 had not been ratified by this government. Chili declared her acceptance so far as economic questions were concerned, but stated that she would take no part in political questions or arbitration.

Mexico, Guatemala, Nicaragua, Colombia, Venezuela, Peru, Chili, the Argentine Republic, and Brazil accredited as delegates to the Conference their ministers resident at Washington; Colombia, Venezuela, the Argentine Republic, and Brazil each sent two more delegates, while Mexico and Chili had each only one more; all the other republics were represented by one delegate each. The delegates from Honduras, Ecuador, and Bolivia were, besides, accredited near the United States government as envoys extraordinary, and those from Chili and Brazil had a similar character before the Conference. The representatives of Salvador, Costa Rica, Paraguay, and Uruguay came only as delegates, as did also the first representative from Hayti. The Uruguayan delegate was the only one who left before the close of the session. The first delegate from Hayti was obliged to return home on account of sickness, and his place was filled by the Haytian minister resident at Washington. The delegates who were accredited as ministers at Washington found out very soon that their official relations to the United States government considerably restricted the liberty

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of action enjoyed by those of their colleagues who came in a transient manner.

It has been stated that the Chilian government presented its views to the governments of the Argentine Republic and the empire of Brazil, with a view that the three nations should act in concert in the Conference, and that it had answers which it understood to mean that those governments shared its views in regard to arbitration, and that they all would stand together. Probably this was the reason why the Chilian delegates consented to take part in some discussions relating to arbitration, and did not refrain from voting on that subject, except in the last days of the Conference, when the question had assumed a definite shape and it was plain that their views in this regard were not shared by any other of the South American nations. It is probable that, if Brazil gave Chili assurances that both would act in harmony, the political change which occurred in the former in November last caused a change in its foreign policy. The Argentine delegates declared that their government had not committed itself to Chili on this question.

Although President Cleveland issued the invitation for the Conference, he refrained, out of deference to his successor, from naming the United States delegates, and their appointment was made soon after the present administration was inaugurated. These appointments have been highly censured in some quarters, because it was thought that some of the gentlemen named were not the best fitted for the mission, and some have gone so far as to imagine that their selection was an act of disrespect to the Latin-American nations. Whatever may have been the motive which governed the President of the United States in making the appointments, I am sure that he did not intend to choose as representatives of this country gentlemen of little worth ; much less to show any disrespect to the nations which he had invited to send delegates to Washington. The appointments were made in the manner usual in connection with offices of the highest rank. They were all ratified by the Senate. The gentlemen appointed represented all political parties, all sections of the country, and all branches of its industries ; and they were all very honorable gentlemen. Among them were two ex-Senators, four manufacturers, and two merchants; from which it seems that the intention was to select business men rather than diplomats.

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It certainly would have been preferable if all the United States delegates had spoken Spanish and been conversant with diplomatic affairs in general, especially with those of the Latin-American nations. It would have been desirable, also, if all the Latin-American delegates had spoken English and been familiar with the United States; but the inconvenience which resulted was not essential, and was remedied in some degree by means of an interpreter. Besides, the advantage of knowing both languages was a secondary one compared with all the other qualifications of a delegate.

It is entirely useless, so far as the Latin-American nations are concerned, to inquire whether this government could have selected gentlemen better fitted for the work, because if those appointed had not the necessary qualifications, the United States was the principal sufferer from any embarrassment that resulted.

The habits and manners of the two races represented in the conference are so widely different; the urbanity of the Latin race is so exquisite, and it attaches so much importance to forms of courtesy and personal attention which, as a general rule, are somewhat disregarded by the Anglo-Saxon race, that, when they came in contact, the contrast was very apparent. It was natural that the Latin-Americans, who did not know the Anglo-Saxon Americans well, should wonder at the simplicity of their manners, which almost looked like discourtesy, and attribute to impoliteness what was only the result of different customs and ways of life. The daily intercourse of the delegates for several months dispelled this impression, which had disappeared almost completely when the Conference adjourned. There were, however, among the United States delegates several who distinguished themselves for their courtesy and conciliatory spirit, very likely because they had been somewhat acquainted with the Latin race.

It was apprehended by some, as already intimated, that the object of the United States in convening the Conference was to obtain decided political and commercial advantages over the other nations of this continent, making them almost its dependencies; and this view caused decided opposition to the project. There is nothing that can be shown to prove that this was the purpose of the United States. Its delegates did not propose in the Conference anything seemingly intended to accomplish such an end. Judging, therefore, by facts and results, these apprehensions were

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entirely ungrounded. In speaking of arbitration and commercial union this will appear more plainly.

There are in South America two nations which have acquired very great importance—one on account of its great territorial extension, its immense natural sources of wealth, favored by an excellent system of navigable rivers, and its extraordinary material progress; the other by its unrivalled position on the Pacific, by possessing almost one-half of the western coast of South America, by its habits of order and labor, and by its rapid career on the road of progress. I refer to the Argentine Republic and to Chili. Although Brazil has a larger territory and population than these two nations together, the political transition which is in progress in that country prevents it, for the present, from being a centre of political combinations. The recent war on the Pacific, whose results are not yet an accomplished fact, naturally caused very great excitement. It was only natural that the nations which were conquered in that war should look upon the Argentine Republic as the centre of strength to maintain the political equilibrium or *status quo;* and that, for the same reasons, they should look with distrust upon Chili and apprehend a repetition of events similar to the war of 1879–1883. It was natural, too, that this political excitement, which is only mentioned here, should be felt in the workings of the Conference, and it is absolutely necessary to take it into consideration to explain some of the incidents which took place in that assembly.

This conflict of political views and interests, however, did not prevent personal and official relations among the South American delegates from being so courteous and cordial that no one who was not aware of the feelings and tendencies of the various countries could perceive that differences existed among them. On almost all questions presented in the Conference they acted in accord: even the Chilian and Argentine delegates did so in the discussion about the rules and, especially, that concerning the minority report on customs union and reciprocity treaties.

Central America is too far from Chili and the Argentine Republic to take any part in their affairs, but she has a pending question of her own—the confederation of the five Central American states—which is a transcendent one, on which, it seems, they are not in complete accord, and which could not fail to influence the conduct of their representatives in the Conference. The

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projected Nicaragua Canal is also a source of differences between that state and Costa Rica.

I would not convey an exact idea of the tendencies and apprehensions which prevailed in the Conference, should I omit to say that Guatemala looks at Mexico with distrust, because she imagines that the Mexican government entertains some plans against her —a supposition by no means correct. It was inevitable that this fear should also be felt in the Conference.

Mexico was, if not the only one, one of the few Latin-American nations which could properly be considered as really impartial in regard to the South American questions. On account of the immense distance which separates her from her southern sisters, and the lack of means of communication, which almost wholly prevents commercial relations with them, Mexico has no political interest in the subjects agitated in those countries. Hence she looks upon all the nations of the Southern continent as friends and sisters, and has a most cordial and sincere wish for the prosperity and welfare of each of them. Although Mexico ardently wishes that the principles of equity and justice should prevail among the American nations, and although she might disapprove of the conduct of any of them which, in her opinion, was subversive of those principles, and might even go so far as to express her disapproval, she is not called upon to take any active part in regard to questions which may arise in South America, and, therefore, she is not only neutral, but perfectly impartial.

Perhaps in the beginning this caused the Mexican delegates to be looked upon with some distrust by their colleagues, who feared that they might be disposed to interfere in the South American questions; but the impartial and friendly conduct of those delegates in regard to the sister-republics of South America ought to have satisfied them all that Mexico, so far from having any feelings or views against any South American nation, or any wish to interfere in their questions, had, on the contrary, the most sincere wishes for the preservation of their peace and the promotion of their common welfare.

One of the principal difficulties which arose in the Conference, and which, although apparently insignificant, had an influence that can hardly be appreciated, was caused by the different languages spoken by the delegates. Only one of the United States delegates, Mr. Flint, spoke Spanish; one, Mr. Trescot, could read it; but

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the other delegates of the United States knew nothing of it. Several of the Latin-American members, and among them the Argentine delegates, who took such an important part in the proceedings of the Conference, did not speak English, although one of them by the end of the session understood it tolerably well. These circumstances made the services of interpreters indispensable. It is well known how difficult it is to translate a speech properly. Besides a perfect knowledge of the language in which it is delivered and of that into which it is translated, other conditions are required, which seldom are found in any one person, as, for instance, perfect familiarity with the subject matter of the speech, a very good memory, the ability not to forget any of the points made, and great facility of expression for the purpose of translating with correctness and precision, if not with elegance, the views expressed.

The difficulty of correct translations, which was felt more especially in the early sessions of the conference, caused the delegates of quick temper, when they did not understand the ideas expressed in the other language, to misinterpret them, and sometimes to consider them offensive and to give back sharp answers, which provoked sharp retorts, and not only disturbed the harmony among the delegates, but in some cases seemed even to threaten the success of the Conference.

The Conference, when organized, decided, very prudently, to frame a code of rules for its deliberations and decisions, and the committee appointed for that purpose took as a model the rules approved by the South American Congress that met in Montevideo in 1888, which had the advantage of having been put in practice successfully at that congress. Señor Quintana, an Argentine delegate, and a member of the Committee on Rules, who was also a member of that congress, was requested by the committee to prepare the rules and to support them in the discussion before the Conference.

The parliamentary practices of the Latin and the Anglo-Saxons nations being so widely different, the rules reported by the committee of seven, of whom six were Latin members and only one an Anglo-Saxon member, met with great opposition on the part of the United States delegates. A long discussion of each article, which lasted for several weeks, ensued. This discussion, which was mainly sustained by the Argentine delegates, cordially

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supported by Señor Alfonso, a Chilian delegate and the chairman of the committee, showed at once the firmness of character of both sets of delegates, who were not quite disposed to accept the modifications suggested to them, especially by the United States delegates, even though these were not of much consequence. This was an indication of what was to happen later on more important subjects. The rules were finally approved substantially as they were presented by the committee.

Señor Quintana, realizing his own merit and worth, and influenced always by firm convictions, was not ready to yield in such points as might be considered of a secondary nature, as in some cases it is indispensable to do for the purpose of obtaining the cordial and spontaneous support of an assembly wherein, necessarily, different views exist. Tact, which, in such a case, consists in yielding on secondary points for the purpose of securing the principal ones,—although frequently there are differences of opinion as to which are the principal and which the secondary points,—perhaps is a characteristic of weaker minds.

Mr. Henderson, the chairman of the United States delegation, possessed somewhat similar convictions, and for this reason the discussions which had a more lively character, and sometimes went so far as to be personal, were those which took place between this gentleman and Señor Quintana. The Argentine delegates, inspired by the great progress of their country, and having no political relations and no business of any importance with the United States, showed an independence which in every case was very laudable; but sometimes, perhaps, on account of their personal qualities, displayed an extraordinary and exquisite susceptibility. Whatever may have been disagreeable in the discussions of the Conference was disposed of, however, in a satisfactory manner by the following remark of Mr. Henderson in closing the session: "If in that freedom of speech a word of acrimony has been used, let us now consider it expunged from the record, and resolve to forget it forever."

Soon after the Conference met, some papers in this country began to attack the Argentine delegates with extraordinary and unjustifiable rudeness, even going so far as to say that they were paid agents of England for the purpose of preventing the success of the Conference. Such uncalled-for and ungrounded attacks caused, as was only natural, a strong reaction, by which the merit

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of those gentlemen was brought out, and the reflections upon them were disposed of in such a successful manner that they did not appear any more thereafter. Any unpleasant feeling which these comments may have caused the Argentine delegates was, certainly, abundantly compensated for by the satisfaction they must have felt when they were so victoriously and successfully defended.

Although I realize how disagreeable it is to come down to personal matters, I think it indispensable, with a view to a better understanding of what happened in the Conference, to make some explanation of affairs of this nature. Mr. William E. Curtis, who had acted as secretary and at last as a member of the South American Commission sent out by President Arthur, in 1884, for the purpose of promoting trade with South America, was appointed by Mr. Blaine to take charge of the work preparatory to the meeting of the Conference, and especially to supervise the excursion which the government of the United States arranged in honor of the delegates. It seems that it was the wish of Mr. Curtis, and supposably it was the intent of Mr. Blaine, that he should act as secretary of the Conference ; but Mr. Curtis was not a *persona grata* to the delegates, as the publication of his book, "The Capitals of South America," had caused some dissatisfaction against him in those states, and it was said that he had made several serious errors and uncomplimentary remarks in speaking of their capitals. This would not have been strange, taking into consideration that his visit to each city was a very short one, and remembering how difficult it is under such circumstances to know and understand a country, and, still more, to write about it without making errors, which must almost always be to the detriment of the country treated of.

The Committee on Rules presented a resolution, which was approved by the Conference at its second meeting, to elect two secretaries, one to take charge of the Spanish work and the other of the English, both to be conversant with each language, and both elected directly by the Conference. The Secretary of State accepted this resolution out of deference to the Conference, notwithstanding that the law which convened the assembly gave him the appointment of all its clerks ; and his right to do this was still more clear because the salaries of the secretaries were paid by the United States government. As Mr. Curtis did not

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know Spanish, he was prevented from being a secretary; Mr. Blaine then appointed him executive officer of the Conference, and he acted up to the end as chief of all the clerks. I must state here, in justice to Mr. Curtis, that during the time he served in this capacity he succeeded in dispelling many of the unfavorable views which existed regarding him.

I always thought that the excursion in honor of the delegates was barren, at least so far as the delegates were concerned. Most of them knew this country well, and those who did not could hardly form an adequate idea of it in such a rapid trip. Some of those who took an active part in the proceedings of the Conference, among them the Argentine delegates, did not join it, despite the fact that they were specially invited by Mr. Blaine; and although Señor Quintana accompanied the excursion for a few days, he returned to Washington as soon as he could. If any favorable result grew out of the excursion, it was most likely among the inhabitants of the cities visited by the delegates, on account of the good impression which may have proceeded from their personal acquaintance, although it was very superficial. This may, too, have dispelled some wrong views that had been entertained. Those who enjoyed the excursion principally were the young men, attachés of delegations, and others who joined it.

The notoriety acquired by a person who acted as Spanish secretary of the Conference makes it necessary to say a few words about him. Señor Don Fidel G. Pierra is a Cuban who has lived many years in New York, where, I understand, he has some commercial business. He accompanied the Spanish-American delegates on the excursion which preceded the Conference, as representative of the Spanish-American Commercial Union of New York, and secured their acquaintance and friendship by rendering them services as an interpreter and in other ways. The Conference elected him Spanish secretary; but, on account of his peculiar temperament and disposition, he was not able to remain very long in that place, although he had the good-will and support of the Latin-American delegates. He complained that he did not have competent clerks to assist him, and he thought the executive clerk, Mr. Curtis, was unfriendly; he also alleged that the salary assigned to him by the Department of State was not sufficient compensation for his work,

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although it was higher than the salary of the Assistant Secretaries of State, and as high as the highest paid to clerks of the Conference. Finally his resignation was accepted, and since then he has sent to South American newspapers scurrillous correspondence, in which he states incorrectly several incidents connected with the Conference, and abuses the United States delegates, being thus guilty of the plainest breach of propriety.

The President of the United States fixed the 2d of October, 1889, as the date for the meeting of the Conference. Two days before, the delegates assembled in Washington, excepting those of Ecuador, Paraguay, and Hayti, who had not arrived, and held a preparatory meeting to agree upon their organization. The first question which was presented to them was the election of a president.

It is an act of courtesy, sanctioned by the example of diplomatic congresses and conferences which have met hitherto, that a representative of the inviting government, on whose territory the conference meets, should be elected president; and therefore all the delegates agreed that the president should be a member of the United States delegation. The Latin-American delegates were not in accord as to the gentleman whom they intended to elect president: some thought that Mr. Henderson, being the chairman of the United States delegation, ought to be chosen; others were disposed to vote for Mr. Trescot, because he had had great experience in diplomatic affairs, and was supposed to be better fitted for the position. Perhaps this difference of opinion determined the United States delegation to propose that the president should not be one of their own number, and to suggest that the Secretary of State should be elected, although it was said at the time that this suggestion came from President Harrison himself. A technical objection was at once presented—whether a functionary of this government who was not a member of the Conference, not being a delegate, could be made president; but this objection, which was only one of form, was happily solved, since the Secretary of State represented his country in a truer sense than the ten United States delegates together. Hence if the election was to be made for the purpose of fulfilling a duty of courtesy towards the inviting government, that duty could be most satisfactorily performed by choosing the Secretary of State, even though he were not a del-

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egate. On the other hand, the high position of this functionary made his election as president an act befitting the dignity of the Conference. Although several delegates objected at first to his election, all were satisfied with the foregoing explanation, excepting the Argentine representatives, who stated that they could not vote for him because he was not a member of the Conference. With a view of not casting a negative vote, they decided not to be present at the first meeting of the Conference, when the president was selected; but both of them attended the official banquet which Mr. Blaine gave on that day to the delegates. The judgment of the Argentine delegates is certainly entitled to great weight, but it is not likely that they alone were right in this matter; and if this incident involved a question of the dignity and independence of the delegates, it is not probable that only the delegates of one among the fourteen States represented in the Conference would have entertained such an opinion. If this objection had been a valid one, those presenting it would not have attended the subsequent meetings of the Conference, as they were presided over by a gentleman who, in their opinion, was not qualified to be its president.

Subsequent events, and especially those which occurred during the last meetings of the Conference, showed in a very clear manner how wise was the election of Mr. Blaine, because he was invested with full powers to negotiate with the Latin-American delegates—powers which were really broader than those of the United States delegation—and because, on the other hand, possessing exquisite tact and a great desire to prevent the failure of a high purpose in an assembly of which he was the promoter, he went further in order to come to an agreement with the Latin-American delegates than in all probability the United States delegation would have deemed themselves authorized to go.

M. ROMERO.

[TO BE CONTINUED.]

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THE RECENT CRISIS IN CONGRESS.

BY REGINALD F. D. PALGRAVE, C. B., CLERK OF THE HOUSE OF COMMONS.

THE editor of THE NORTH AMERICAN REVIEW has asked me to consider an incident in the recent history of his nation—the Congressional crisis of January last—from such a point of view as may be afforded me by the thirty-six years which I have spent in the service of the House of Commons.

To meet the wishes of an eminent literary authority in the biggest English-speaking community in the world is an honor to anybody, and would be to me a pleasure, did I not justly dread the intermeddler's proverbial fate. Nor can the undoubted likeness which exists in the demeanor of all deliberative assemblies allay the feeling that an attempt to spy out the ways of Congress through a Westminster telescope may seem to be an impertinence. And such espial must place before me, close at hand, the turbid stream of party strife. To keep clear of those muddy waves is the condition of my official life—a condition quite in accord with my natural inclination.

So—in the brief description which I must attempt of the crisis of January last—to escape from personalties, a retreat will be made into the utmost impersonality. Names and dates will be cast aside; the hated word "party" shall not be used; and an imaginary congregation of men shall be summoned into existence, which may, by way of illustration, be called a Conclave.

The president of this Conclave shall, accordingly, be pictured duly seated in his chair; its members are ranged around him in orderly session; but still, despite these excellent appearances, the Conclave is a Conclave only in show.

The action of the assembly has been paralyzed by resort to a kind of practical joke; and, as the actors in a performance

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must somehow be distinguished, the men who reduced the Conclave to stagnation may be styled the jesters; whilst their opponents are the serious ones. Naturally enough, the serious ones are serious and angry, and the more so because their adversaries constructed their excellent jest out of the ordinary business arrangements of the Conclave.

To guard against a chance or sudden vote, to secure that each decision shall fully represent the opinion of the assembly, this regulation had been established. Under its provisions, when the members were required to give their votes of "yea" and "nay," the Conclave could not arrive at a valid decision; it could not accept or reject a resolution unless the record of the Conclave showed that at least one-half of its members were present. If the hall of the Conclave did not on such an occasion contain the requisite complement of members, every proceeding was null and void. This regulation was to the jesters their vantage-ground. Whenever acted upon, victory was theirs if they could keep the record of the members sitting in Conclave below the prescribed number.

The jesters accordingly put the rule into operation. They insist that the votes shall be recorded. The serious ones duly answer to the roll-call of their names. The jesters, on the contrary, remain silent: they refuse to vote. The action of the Conclave is thereby at once dead-locked. The serious ones cannot muster amongst themselves the requisite one-half of the Conclave; they are, therefore, powerless; the Conclave is powerless: the more motions they make, the more it remains immovable.

Like those skilful tormentors, the Galilean children in the market-place, the jesters pipe their brethren into the dance; they then sit still and decline to make up the set. So the jesters kept their places in the Conclave hall. They sat there whilst they rejoiced over the witty device of benumbing by their torpidity their serious playfellows.

Whether the result be to him an offence or a gratification, it is the bounden duty of any president over a deliberative assembly to maintain its freedom of action; to keep it on the march, whatever way it may go. The president of our "stickit" Conclave did his duty. He entered into the joke; he checkmated the jesters by their own device; he converted their torpidity into motive power. They gave him the opportunity. Again he put the question from the chair; again they demanded

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the call of the yeas and nays; again they kept silence; but he spoke out.

The president rose up and reminded his hearers that whilst they were in the hall of the Conclave they were of the Conclave; that they could not, by refusing to vote, unclothe themselves of their membership; and accordingly he directed that the names of all present, both of the voters and of the non-voters, the serious ones and the jesters, should be enrolled upon the record. The entry was made; the proceeding was enforced by the requisite number of members; by the needful one-half of the congregation. He had driven the jesters into the game; he made them set the Conclave in motion; he made them dissolve the deadlock which they had created.

The jesters in their turn were powerless. They contended that the men of renown, "the masters of the assembly" who shaped the ark of the Constitution into being, intended that the record of the Conclave should contain the names only of the voters, and that to include the non-voters was a constitutional impertinence, a new and violent interpretation of the rules and regulations of the assembly. But the jesters could not deny their membership. They were occupying their appointed places in the hall of Conclave; they must, therefore, be Conclavists. If so, who could forbid the entry of their names upon the record?

Nor did the president act without authority drawn from a region far from his sphere of influence. In the claim which he made, that he must see and take note of those Conclavists who sought the modest seclusion of non-voting invisibility, he saw as he ought to see and acted as he ought to act, in the opinion of the English judicial bench. Precursors of our friends the jesters have, from time to time, appeared at the council boards of our own "Little Pedlingtons" that lie scattered over the face of England. Seduced by the crafty wiliness of the parochial mind, the village magnate also sought to be, at the same time, a nobody and a vestryman. He refused to vote, and thought thereby to escape the responsibilities of his high office. But our judges emphatically condemned, by a series of decisions ranging over some hundred years, the subtleties natural to the vestryman; and they declared that when he sat in solemn session he could not "be deemed absent" from the board by sheltering himself in the obscurity of a donothingarian.

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Acting as he did in complete accord with the traditions of the presidential chair, justified as he was by judicial sanction, undoubtedly the stiff dose of common-sense by which the president stimulated the Conclave into vitality was a violent remedy. And a need for violent remedies and the irritation which they provoke are indications that some mischief is at work throughout the body politic; that some bad habit exists, which, though utilized by contending factions, is not of their creation, and for which all alike are responsible.

Party strife, therefore, forms no ingredient in the conclusion at which I have arrived, and free speech is permissible to me. I therefore, though an insular outsider, assert that the mischief which caused that Congressional crisis sprang from the flabby treatment of their voting power which seems habitual to the representatives of the United States.

A variety of attendant circumstances, functional, financial, emotional, and constitutional, conspire to degrade and pauperize that impressive power over the popular imagination which Congress ought to exert in the highest exercise of its authority—the declaration of its judgment by the final and formal vote.

Among these circumstances exists one apparently remote, but which has, all the same, an immediate and hourly influence. The demeanor of Congress in every-day session, and especially in the discharge of its vote function, is injuriously affected by the payment allotted to its members. In return for money down they must come down daily and attend assiduously in Congress hall. They duly obey; but obedience to a law can never rival, in grace and acceptability, the willing, unforced discharge of duty. Compulsory attendance must differ essentially in its nature from voluntary attendance. Enforced presence is uniform, mechanical, prosaic. A free presence is enhanced by the attractiveness of freedom, and derives an interest even from the play of accident.

In the exercise of the vote function the essential difference which exists between compelled and uncompelled service is specially apparent. The law which requires the daily presence of its members takes all elasticity and spontaneity of action out of the vote function of Congress; it brings the whole mass and force of Congress to bear equally on things both great and small; the volume of the vote cannot rise and fall with the fervor of the occasion. The moral effect of a "big division" which draws

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members to Westminster from all parts of the empire, and the excitement of a snap division during Ascot week, alike are withheld from Congress by the law of compulsory attendance. Neither the animation of animosity nor the seductions of the race-course can affect the hired uniformity of that monotonous state machine. Even in mere variety there is interest; interest and excitement are the necessities of political life; and most of all does the dreary routine of Congress need the stimulus both of accident and of the fancy. To arrest the attention of the world outside, a political battle, more than any other battle, should be enlivened by the roar and rush of a grand final explosion. Under the vote-taking method adopted by Congress the fiercest contest there fizzles off in a dull alphabetical roll-call of its members, in a succession of single shouts of yea and nay as they answer to their names from A to Z.

Nor is any attempt made to heighten the effect of this unimpressive performance. The vote takes place in a vast hall, free to the entrance of some 2,000 spectators; the "rear area" and the "aisles" are thronged; a motley crowd of actors and of onlookers, "of members, ex-members, and no members," walk and talk, heedless of the fact that Congress is engaged in deciding on the fate of the sixty-five millions whom it represents. The solemnity of the occasion is thrust out of sight and apparently out of mind.

The ceremony of the vote by the call of yea and nay, moreover, exposes Congress to worse evils than a lack of dignity. It facilitates—it provokes—indecisive, even shifty, courses.

To obtain a clear, unbiassed decision, it is essential that the decision should be in delivery as instantaneous as possible. Vacillation is a danger which attends a decision pronounced in instalments; and to this uncertainty a vote by driblets is equally exposed. As the call of the members' names passes onward from the A's to the central letters of the alphabet, their replies disclose the growing result; but until the Z's are reached the final result is undetermined. This season of uncertainty is a season of temptation. Of desertion during a contest human frailty is capable: to side with the victorious to some men seems a duty. And that sympathy with the weaker members of the congregation which distinctly influences Congress has induced that body to give express sanction to this temptation.

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Empowered both by practice and by precedent, a member of Congress, on the call of yeas and nays, "has the right to change his vote before the decision of the question has been finally pronounced by the chair." Thus licensed, whilst the call is in progress, the Hon. P. P. C., who began the contest as a yea, can bid good-bye to his comrades and transform himself into a nay, if he perceives, as the call ranges over the alphabet, that the yeas will undoubtedly lose the day.

The sooner such an Hon. Member as the Hon. P. P. C. leaves his farewell card on Congress, the better would it be both for him and his constituents.

No lax or indecorous treatment of his vote is possible to a member of the House of Commons: his virtue is guarded by the serjeant's lock and key. The mode of taking the final decision of the House, though cumbrous, is stringent. There is no lingering, no listlessness, when the Commons proceed to a division. The electric bells clatter and jangle with no uncertain sound. Strangers are ejected; the doors are locked. Even the narrow dimensions of the House impart dramatic force and fervor to the scene. When a stand-or-fall division takes place, the aspect of the thronged and restless room, packed with impatient voters, bespeaks the stress and pressure which have driven them together. The sound-volleys of answer and retort, which respond to the Speaker's clear ringing voice, are sharp and solid: in two solid lumps the members troop towards the division lobbies. No one knows for a certainty the result of his vote; no one can change his vote. If, in answer to the Speaker's challenge, the most pronounced aye accidentally called out no, a No he must be, and as a No he is numbered. If a No strays into an aye lobby, an Aye he will perforce remain.

Nor is evasion of the vote possible. Every single unit in the crowd which fills the House is forced, by locked doors and by the authority of Parliament, to take his part in the contest. The form and manner of a division, the moral and physical conditions of the process, deny existence to a shabby, half-hearted neutral. Those who might incline to try the sitting-down game are fundamentally squeezed out of their seats. That game was tried once, some years ago, but the trick failed ignominiously.

During this very session members of a select committee of first-class distinction, themselves most distinguished, were

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tempted to adopt the sickly attitude of the vote-abstainer; but this attitude was no more permissible in the seclusion of the committee-room than on the floor of the House. The "proper authority" over the committee warned them that they must either vote or withdraw themselves into the corridor.

To stiffen the responsibility of the voter is the principle which governs the usage of the House of Commons. Yet this principle is enforced by no standing order; fear of no specified penalty or punishment sends the members into the division lobbies.

On the other hand, when we look from Westminster to Washington, as if to heighten the difference in the voting methods and principles enforced by these brother-assemblies, Congress ordains by a rule as old as the United States that every member present during the call of yeas and nays "shall vote on each question put from the chair," and then by established custom Congress ignores that wholesome rule. Yet let not the House of Commons plume itself on its sagacious behavior; nor let Congress abase itself too much because of the sad contrast exhibited by its professions and its practice.

Common-sense strength is apparently the distinction of the one assembly. The feebleness of laxity obviously clings to the other. But whose is the strength, and where does the weakness lurk? Why may credit be claimed by the House of Commons, whilst penitence should be the portion of Congress?

An attempt to solve this problem establishes as a fact that disobedience by Congress to the compulsory-vote rule is as old as the rule itself. Congress evidently agreed, ever since Congress was born, to substitute the secret commandment, "Thou need not vote, if thou choosest," for the written law, "Thou shalt vote upon every question." Neither one jot nor one tittle of that precept has ever had binding force, though there that precept stands upon the roll of the law of Congress. And that the rulers of the United States Sanhedrim, despising the prophets who shaped the Sanhedrim into being, at the very first reading of that commandment cut it to shreds by the effective penknife of utter disregard, is shown in many ways.

The schemers of the game of obstruction which ripened into the Congressional crisis of January last evidently knew that the law was a sham. They foresaw that a vote could not be extracted from between their teeth. Of that unpleasant operation they had

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no dread; that their jaws would not be subjected to any kind of Congressional forceps they obviously felt certain. If the compulsory-vote rule had been enforced, and had they resisted, they might have been severely punished. If they answered to the roll-call, their nays would have swelled the tale of those present in the hall above the requisite number, and the game would have ended in a trice. Yet they took their course, and they enjoyed throughout the transaction the impunity on which they had reckoned.

And the Speaker by his conduct attested the accuracy of that forecast. The compulsory-vote rule lay handy at his elbow; it afforded a ready cure for the crisis; yet there that rule lay, all through the contest, absolutely untouched; whilst to unparalyze Congress he invented a new, and therefore a disputable, proceeding. No prudent shepherd seeks for strange methods of avoiding a pitfall if he can use an accustomed door of escape. The old way is the better every way, both for him and his flock. The fact that the Speaker was driven to invent a novel engine of repression is a conclusive proof that no other resource was in his grasp. And as if to show how persistent error spreads and roots itself, the Speaker has actually placed on the journal of Congress a proof even more signal than his ruling of January last that, despite both precept and penalty, a member, if he chooses, may shirk giving his vote.

The Speaker has, by a regulation of his own drafting, sanctioned the existence of the non-voter. Quitting the sweet security of a general principle, based upon common law and common-sense, which forbids a member of Congress, sitting in session, from trying at one and the same time to be in and out of the hall, the Speaker has prescribed by rule that, when the call of yeas and nays occurs, the names of the members in the hall who do not vote shall be recorded, and shall be reckoned up into the needful number for the transaction of business. Thus he has done his best to nullify the compulsory-vote rule, and has exposed his policy to severe comment from that very able critic, "X. M. C."

The Speaker to that review makes energetic reply; but he is compelled to defend his position by falling down and making this pitiful confession. "Spare me," the Speaker cries out; "I am weak; Congress is weaker, and our sixty-five-million nation is

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weaker still." Gathering strength from his very weakness, the Speaker stoutly protests that to compel an unwilling member of Congress to give his vote exceeds the powers of law, nature, art, conscience, custom—of any and every influence human or spiritual. And he backs up this assertion by confident appeals to the practice and example of the most distinguished among his predecessors in the chair, men of vast ability, "unrivalled resources," "wonderful genius"!

These be mighty protestations, but they are mighty only in show. That they are unsubstantial is proved by a glance at that room in Westminster. An evasion of the vote by a member of the House of Commons who hears the question put has never been tolerated for a moment. And why? Because the national force which creates the House of Commons would not for a moment tolerate such conduct. Indignant constituencies would call to quick and sharp account any weak-kneed politician who refused to back his opinion by his vote. Neutrality in political warfare may be permissible among our vestries, but not in Parliament. The United Kingdom would, in the punishment of such mean conduct, be united as one man.

The root and nature of the error which created the Congressional crisis of January last are now exposed. Had the error been "The Speaker's Error," or an error of the House of Representatives, I should not have ventured to intervene. But the error has such wide proportions and rests on so many shoulders that from it all personality, all partisanship, is eliminated. It is the error of the United States. By their tacit and by their active sanction, they have, during the course of many years, supported their House of Representatives in the low regard they pay to the highest duty of a citizen.

Here, then, lies the remedy. If Congress will not give vitality to the rule which directs the members to come out like men with their yea and nay, surely those who sent them to the hall of the House might impart vitality to Congress. Had they done so ere now, the legislative assembly of "a continental nation of 65,000,000 people" would not have been injured and annoyed by a device beneath the tactics of the most radical vestryman in effete old England.

REGINALD F. D. PALGRAVE.

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NOTES AND COMMENTS.

I.

THE REWARDS OF LITERATURE.

IF THE journalists of the United States care to advance the cause of the Copyright League, they can assist it somewhat by simply discontinuing a piece of foolishness that has already run too long. The literary guild, like all others, contains a certain number of simpletons and fibsters. Every now and again some one of these, or some superserviceable friend of another, sets afloat a paragraph representing that for his last piece of literary work he has been paid the price of a farm or two. Large figures are always attractive, and half the journalists of the country copy these pleasant little items without testing or questioning them. I know of one writer who excites the derision of the initiated by always using the same phraseology when he originates one of these interesting bits of information about himself. His formula is this: "The largest price ever paid for a single magazine article, $——, was paid to ——, for his paper in the current number of ——." Sometimes he fills the first blank with 1,000, and sometimes with 2,000; but everybody in the business knows that he could not get, at the utmost, more than $100 for any article that he could produce. A few years ago I heard a woman of moderate, but respectable, literary reputation introduced to an audience as "the author of nine hundred stories published in *Harper's Magazine*." The lady thereupon rose gracefully and began her lecture, without contradicting or correcting the extraordinary statement as to the fertility of her pen; and the audience appeared to think it was all right, though a slight calculation would have exposed its monstrous impossibility. *Harper's Magazine* was founded only forty years ago, and to publish nine hundred of this lady's stories it would have to insert one in every number for seventy-five years. I once received a letter from a dabbler in literature in which he solemnly declared that he had been paid for his magazine articles at rates ranging from $40 to $70 per thousand words; whereupon I addressed an inquiry to half a dozen magazine editors, and learned, as I had expected, that he would be fortunate if he found a market for his productions at $10 per thousand.

The latest instance of this mathematical romancing that I have seen is a paragraph in a recent number of *The Writer*, a bright and generally well-edited periodical, which ought not to make any serious mistake on those subjects to which it is specially devoted, yet which publishes this: "Mr.——has just sold the right to publish his new novel,——, to the —— Publishing Company, for $10,000, the largest sum paid for any recent work of fiction." The editor of *The Writer* ought to know that one may flatly contradict and disprove such a statement without consulting either the author or the publisher of the book. A royalty of 10 per cent. of the retail price is the basis of all contracts between publisher and author, and the terms seldom vary much from that figure. If a publisher buys outright the manuscript of a book, he fixes the price at something less than the amount he thinks it would probably earn for the author if published on a royalty. The author mentioned in the paragraph just quoted is a bright and racy newspaper contributor, but is not known as a novelist. Let us suppose that the publisher, for some powerful reason, is willing to pay him double royalty. His novel in the present state of the book trade must be issued in paper covers, at a price not greater than fifty cents. This paragraph, then, affirms that a publishing house has been discovered which will pay in advance double royalty on an assumed sale of 100,000 copies (or the usual royalty on 200,000) for a novel by a writer who has no reputation as a novelist! The works of light literature written in the United

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States that have attained a sale of 100,000 copies do not exceed seven, and the novel in question will do remarkably well if it has one-tenth of that circulation.

There is a widespread belief among people of average intelligence and information that to write a single successful book is to make an independent fortune; and the publication of these silly paragraphs leads to the production of innumerable worthless stories, which enormously increase the labors of editors who read manuscripts, and return only bitter disappointment to the writers. Furthermore, just at this time there is danger that Congressmen, reading what handsome sums are paid to authors and believing the statements to be true, will think it a justification for voting against any international copyright law. The author of a good book ought to be handsomely rewarded, and we all heartily wish that such prices as have been mentioned could be obtained; but those who are in the business know perfectly well that such prices are not paid, and could not be; and if American journals will simply cease to copy these boastful paragraphs, they will confer a benefit upon every honest literary worker. ROSSITER JOHNSON.

II.

CAN GOLD BE MANUFACTURED?

"WITH the gods and the chemists all things are possible," said the illustrious chemist, Hofmann. Nor does the statement seem much overdrawn when one considers the stupendous results obtained during the last quarter of a century by chemical investigators. The extraordinary researches of Newlands, Mendelejeff, and Meyer have shown that the atomic weights of the chemical elements, of which all matter is composed, occupy definite and unchangeable positions in a geometric figure, and that the properties of matter may be considered as mathematical functions of numbers. These discoveries throw open for investigation a territory that contains treasures beyond the power of the imagination to describe. Welsbach, following these investigators, split up the metal didymium into two other elements, proving—what had long been suspected by chemists—that some of the heavy metals could be resolved into simpler elements had we the requisite forces wherewith to break them up; and, as the conclusive demonstration of his discovery, he then reunited the new elements, phræsodymium and nemodymium, and gave us back the compound substance, didymium. Crookes published a series of brilliant experiments on the metal yttrium, similarly breaking up this element into a number of substances, which he united again to reproduce the original yttrium. Last comes Gruenwald, who infers from spectroscopic investigations that all our elements can be reduced to but two primal forms of matter.

Now that this field has been opened to investigation, there can be no limit assigned to the discoveries that may follow. The forces at our control are growing daily more powerful and more manageable. Victor Meyer has been able to heat iodine until it exists in its atomic condition. What the next condition will be no one can tell.

These facts, and many others that could be given, make it probable that the so-called chemical elements are not really elements, but compounds, which in time we shall be able to separate into their constituents, and, conversely, to reproduce by combining other substances.

Among the heavy elements—and hence those that would be expected to yield to the searching attacks of the chemist—is gold. It is not improbable that in time it will become possible to make gold in large quantities—an event which would throw it out of use as a standard of value, so far as it derives its own value from its rarity. The consideration of such an event falls under two heads:

First, the value to the arts of cheap gold.

Second, the effect on civilization of making gold a common metal.

The first consideration is an obvious one. Gold would be very useful in the arts, for it is not corroded and it forms many excellent alloys. If it could be obtained in large quantities, it would probably, in a short time, aid in the production of articles that would be of far greater use to civilization then all of the available gold now is in its character as a standard of value.

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The second consideration is one of general interest. Ever since the human race has existed barter has taken place, and exchanges have been conducted as best they might be by means of such a rude system. To conduct exchanges, more satisfactorily standards of value have been introduced, such as shells, beads, coins, etc. Now, in the civilized parts of the world, gold or some other rare metal is used as a standard of value. The chief reason that these metals are so used is that they combine rarity with usefulness and beauty, being obtained *in quantities sufficient to* keep their values about the same. Instead of gold or silver, representatives of these metals on deposit, promissory notes, or guarantees of the country's prosperity are used. But of all these forms of money gold is at present the most important; and hence if gold could be produced in large quantities, a standard of values selected because of its rarity, and from its supply about equalling the demand for it, would have to be given up.

Vox populi vox dei has been a popular and rather arrogant expression for many years, but it is not true, even though the people themselves announce it. As a matter of fact, many of the customs of to-day seem to be rather the outgrowth of ignorance in the past than of inspiration. So long as the standard of values was used simply to measure values in ordinary exchanges, the system worked fairly well; but when men began to accumulate the standard metals, they also began to control the values represented by the standards, and thus caused much suffering. For by accumulating much gold, one is able to buy up much corn and compel others to pay a higher price for it; for if those who need the corn cannot do this, they must go without it, and this often means that many must starve.

Every one seems to be able to do some valuable labor, however little, but all must toil to obtain some of the standard of value, gold, in order to obtain the necessaries of life. Many who are not well fitted for toil or endurance, but who are by no means useless, are driven to crime or dishonor, for even dishonor may have a gold value. He who has something to offer may not find a buyer, for neither he who offers nor he who would take may possess the standard of value wherewith to effect the exchange, and thus the opportunity of making a needed exchange may be lost.

Science shows that the cost of the support of life is small. Men may be fed for a few cents a day, and by the proper organization of manufactures they could be clothed for a few cents more a day. Coöperation and combination are at last beginning to be sensibly talked about, both by political economist and capitalist. The presence of hungry and destitute men ought to be considered either as an absurdity or a crime in the light of our modern knowledge. Yet about us is a slough of misery of which it is painful to think, especially when one bears in mind how little keeps one's self out of it. For the loss of eyes or hands, or a blow on the head, may mean the loss of one's ability to procure gold wherewith to buy the necessaries of life. Of course misery is very often only another name for ignorance; but even knowing this, the problem of how to do away with ignorance still remains unsolved.

The present system of a standard of value, consisting of a rare metal, has little to recommend it. It is faulty, not ingenious, inconvenient, and unfair in its working; for it allows the means to an end to be changed into the end itself. Rare articles undoubtedly possess a value due to their rarity; but this value is not intrinsic, and disappears if the articles become common. Thus the diamond has an extrinsic value because it is rare. It has an intrinsic value because of its beauty, and still more, perhaps, because it is the hardest substance known, and hence is of great value as a cutting agent. If the diamond can be made in quantity, as in due time it may, it will lose its extrinsic value as a rarity; but its intrinsic value is so great that it would be of far greater use to the world than it now is, for it would make easy many cutting operations, thus lessening the labor of producing many necessary articles, and lessening the labor of mining, the extension of which is now largely dependent on the diamond drill. Whatever true beauty it has as a gem would not be lost by its becoming less rare. Indeed, all might enjoy it if it were easier to obtain. Rarity increases relative value, but not true beauty or artistic worth.

As matters now stand, every one must be a slave to the yellow-faced king, Gold, for nothing can be done without its assistance. In spite of all arguments to the

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contrary, the first object of life is to get food, and to get food one must have gold. To get this gold, work must be given in exchange. But there is no relation between the supplies of gold and work. Hence the machinery must be, and is, continually out of adjustment. As Lessing wrote in "Emilia Galotti," "Die Kunst geht nach Brod." So does everything else sooner or later. By means of gold great power is often placed in the hands of the ignorant, and much harm wrought. Anything to which a value in gold cannot be assigned is more or less without position, although it may be really of the highest value to us. Not intrinsic value, but exchange value in gold, determines the worth of objects, thoughts, or actions. Many new thoughts can thus have no value in gold. Unhappiness, misery, destitution, and crime may have their origin in this perversion of the uses of gold. It strikes the strings of human feeling till minor harmonies ring out like a devil's counterpoint on the psalm of life.

Exactly what will happen when chemists succeed in producing at will the rare metals, it is impossible to predict, but that there will be a far-reaching readjustment of values is evident. Some sort of medium or standard of value is needed in order to enable business to be transacted, but such a standard need not consist of a rare metal or other substance, whose value is in large part extrinsic. It should rather consist of some arbitrary unit of adjustment, such as are those used by scientific men. It would expand this paper far beyond its proper limits to undertake a discussion of such an adjustable standard of comparison, for it would involve a discussion of the whole subject of political economy; but it is well worth consideration, and in time will demand attention from our best minds.

PETER TOWNSEND AUSTEN.

III.

THE MANNERLESS SEX.

PERHAPS it were best to say at once that woman is referred to under this title, that the reader may not remain one moment in doubt which sex is meant. The phrase, "the gentler sex," is, I consider, a most misleading one as applied to women, and I have been led to assume as a result of my personal observations that the title given to this paper is, on the whole, the most purely descriptive of woman.

I am very well aware that to declare an absence of good manners in woman is to run decidedly counter to received opinion on the subject; but I maintain that this same "received opinion" is founded on a basis that is very largely imaginary. The world has been told for so long a time that it is woman who supplies the restraining, softening, and refining influences at work in human society, that it has in great measure come to believe the assertion most implicitly, even in the face of a strong current of testimony setting quite the other way. Men believe it, or affect to believe it, from considerations of gallantry. Women believe it without question.

It is my purpose here to assert that, however great an influence may be exerted in behalf of the conservation of manners by exceptional women, the statement that woman in general is the refiner of manners is, in any large sense, an utterly false one. Furthermore, I have no hesitation in declaring that the code of manners followed in public by the average woman is disgracefully inconsiderate, superlatively selfish, and exasperatingly insolent; such a code, in fact, as would not remain in force among men in their intercourse with one another for one half-hour.

Regarding the rudeness of women in their intercourse with the world at large, I shall refer, in passing, to a few forms of it which have doubtless forced themselves upon the attention of very many persons who can readily furnish illustrations drawn from their own experience:

First—The indifference with which a woman will contemplate the fact that the convenience of others has been sacrificed to her caprice. Very observable in *young* women.

Second—The needless delay a woman often causes in making her appearance when visitors have called upon her. Most commonly noticed among women who are no longer classed as girls.

Third—The unwillingness of a woman to wait for another to finish speaking before beginning to speak herself. Characteristic of nearly all women.

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Fourth—Woman's failure to recognize the importance of an engagement. Most noticeable among women who have the fewest social duties.

The rudeness of women to men is, for reasons which will be sufficiently obvious to the discerning reader, less common than that of women to each other, but it is too frequent to be suffered to pass without comment in this place.

The behavior of women in the horse-cars has received in certain particulars rather more attention than I think it has deserved. The charge has often been brought against women that they have accepted seats in the cars without acknowledging the courtesy of the men who rose up to accommodate them; but, so far as my observation goes, the charge is not wholly borne out by the facts, although the man who has given up his seat usually fails to hear the acknowledgment in his haste to escape to the car platform. Something might be said against the custom practised by many women of entering a car filled with men and relying on the gallantry of the occupants to give up their seats, instead of waiting for a car offering better seating capacity; but until railway authorities provide better accommodations it will not do to be strenuous on this point. Much more might be justly said against a favorite custom with many women, which consists in delaying an open car for several moments while they debate which one of two or more shall enter the car first. What does it matter to them if the men on board are in haste to get to their business? They have the satisfaction of knowing that every one on the car has lost one or more minutes by their senseless, amiable wrangling.

Let us look at a more flagrant instance of woman's rudeness toward her fellow-man. We will suppose ourselves in a railway station in which a number of men are in line before the ticket window. A woman enters and, instead of taking her place at the foot of the line, goes to the front at once and informs the agent that she wants a ticket to Evercrech Junction by way of East Cato. Sometimes she adds that she is in a great hurry. She either cannot or will not understand why she is sent to the foot of the line, and when she arrives before the ticket window again, she becomes voluble over her grievance, and, after securing her ticket, remains to ask a number of questions, the answer to any one of which she might learn from the railway time-table she holds in her hand, or from the porters at train doors. That any one is waiting behind her whose time is presumably as precious as her own is nothing to her, and if asked by the agent to make room for the next person, she is overwhelmed by what she terms his impertinence.

There is not a person who reads this who cannot recall similar scenes, I am very sure. At the post-office or any other place where the invariable rule is "first come first served," woman endeavors to reverse this rule in her own favor, and, failing to secure this reversion at times, she sets down the fact to man's lack of gallantry.

Towards men of a rank which woman considers beneath her own she is often shamefully inconsiderate or shockingly impertinent. I have more than once in English railway stations seen porters, while staggering under the burden of heavy trunks, stopped by women who kept them standing several moments while they put to the unfortunate victims questions which would much better have been asked of the station master or of unemployed porters close at hand. But what of that? It is the duty of porters to be civil when questioned, no matter what Atlas-like load is crushing their shoulders. Then, too, I have witnessed American women browbeating persons whom they termed their "tradespeople" in a manner which would have resulted in their being knocked down had they been men, and which made one regret the desuetude of the ducking-stool which they richly deserved.

It were useless to multiply instances in illustration for this part of my subject. To put it briefly, a very great number of women in their relations with men presume upon the privileges of their sex, the degree of presumption depending very often upon the rank of the persons with whom they are brought into contact.

Perhaps the most common example of the ill manners shown by women to each other is the habit, in which they seem to take much delight, of saying spiteful little things to one another. Du Maurier has lately satirized this trait very cleverly. The sisters Tiptylte are represented in his drawing as taking a sociable cup of tea with their friend, Miss Aquila Sharpe. On their informing her that they mean to attend

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Mrs. Masham's fancy ball as Cinderella's ugly sisters, wearing false noses on that occasion, Miss Sharpe commends their plan as most excellent, but adds: "But why false noses?" The artist's satire will not be called exaggerated by any one who has noted the unfeeling, spiteful onslaughts with which most women diversify their intercourse with one another.

But it is when fair woman goes a-shopping that she becomes least admirable. Then her hand is raised against every woman who crosses her path. From the moment she pushes open the swinging doors of the first retail shop she enters, and lets them fly back into the face of the woman behind her, till she reaches her home again, she has laid herself open at every turn to the charge of bad manners. She has in her progress made tired clerks spend hours in taking down goods simply for her amusement, when she has not the smallest intention of purchasing from them She has made audible comments upon "the stupidity and slowness of these shop girls." She has swept off from loaded shop counters with her draperies more than one easily-damaged article, which she has scorned to pick up and replace. She has jostled against other women and met their indignant looks with a stony, not to say insolent, stare. She has needlessly blocked the way when others wished to pass her. She has carried her closed umbrella or sunshade at an angle that was a perpetual menace to any woman who came near her. She has put up her glass and stared haughtily through it at the gown of the woman next her at the bargain-counter. In her shrill, penetrating voice, she has discussed in the most public places gossip reflecting more or less injuriously upon other people. She has, in short, done very little that she should have done, and very, very much that she ought not to have done; yet she returns from it all with a serener conscience than a mediæval saint coming home to the convent after a day particularly well filled with meritorious deeds. She will tell you complacently that a man can never learn to shop like a woman. And man can never be too thankful for his inability in this particular direction.

It is needless labor to recount in detail instances of woman's rudeness to her fellow-woman. They can be supplied from the reader's own experience in numbers great enough to justify the truth of the assertions made in this paper, and I have no desire to dwell at length on the subject.

I do not mean to declare in broad terms that man is mannerly while woman is not, for I observe with regret in many of my own sex an indifference to the rudimentary courtesies which is fatal to their reputation for good manners, and I recognize in many women a watchfulness for the rights of others, a gentleness in the assertion of their own, that deserve a respect little short of veneration. What I do insist upon, however, is this: that in public the average woman shows an inconsiderateness, a disregard for the ordinary courtesies of existence (which amounts sometimes to positive insolence), to a degree which is not anywhere nearly approached by the average man.

The reason for this difference in the behavior of men and women I do not propose here to discuss. I will not say, for instance, that man is altruistic and that woman is selfish, because I do not believe in any such putting of the case. But I leave for others the task of pointing out the causes of this difference between men and women, and indicating, if they will, the remedy for the present state of affairs, and content myself in this article with a brief presentation of the subject, in the hope that its healthy discussion may induce a reform in the public manners of our sister-woman.

OSCAR FAY ADAMS.

IV.

CHILD-SAVING LEGISLATION.

ONE of the most interesting phases of social advancement in this country in recent years is the legislation for the protection of children. Such legislation has two aspects. Its first purpose is the amelioration of the conditions of child life among the pauper and criminal class, the protection of children from all forms of cruelty and misuse, from motives of humanity. All statutes prohibiting the employment of children under twelve years of age, or in severe or dangerous vocations, as rope-walkers, acrobats, gymnasts, circus-riders, or for indecent exhibitions, or for

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begging or playing musical instruments upon the streets, dancing or acting in theatres, or the overworking of them in factories, or the infliction of extreme punishments, have this purpose.

The second and ultimate object is the protection and preservation of society. That pauperism and crime are the result of heredity and association is no longer doubted. To cope effectually with these evils we must begin at the source. The power of the State must be interposed, and the children taken away from parents or guardians who do not properly care for and educate them, or who keep them in surroundings which degrade them.

It is a vulgar supposition that the parent has some natural property in his children; that children "belong to their parents." Such is not the legal status of the infant. From the time of its birth the infant is a subject of the State, having an individuality separate from its parents, with distinct rights of person and property, with separate obligations to and claims upon the sovereign. The only right of the parent recognized by the law is one of guardianship. The right of custody and control of their children comes to the parents, however, not by the course of nature, not by birth or blood, but is derived from the State, and must be exercised under the authority and supervision of the State.

In all the States the custody and control of children is fixed by statute. This power of custody and control so delegated by the State cannot be transferred or delegated without the consent of the State through its proper courts. A parent cannot give away his child or confer upon another any legal right to its custody or control.

From time immemorial the king in his court of chancery has been the protector of the persons and estates of all the infants in the kingdom, and this power has been conferred upon courts of chancery which sit as the representatives of the sovereign. The jurisdiction is founded in the prerogative of the crown and in its general power and duty, as *parens patriæ*, to protect those who have no other lawful protector. Accordingly, courts of chancery have exercised the jurisdiction to take the custody of children away from parents, or from one parent to give it to the other, and, without regard to the parental rights, but looking only to the welfare of the child, to place it where it will receive good care, education, and moral training. Parents are intrusted with the custody of the persons and the education of their children upon the natural presumption that the children will be properly taken care of and brought up with a due education in literature, morals, and religion, and that they will be treated with kindness and affection. But whenever this presumption is removed, and it is found that a father is guilty of gross ill-treatment or cruelty toward his infant children, or that his domestic associations are such as tend to the corruption and contamination of his children, the court of chancery will interfere, and deprive him of their custody and appoint a suitable person to act as guardian, care for them, and superintend their education.

On a first impression this jurisdiction of courts of chancery would seem to be a sufficient shield and refuge for children, but although this power of courts of chancery has existed in every State, and the facts upon which it might have been justly exercised have existed in numberless cases, yet the jurisdiction has not been invoked.

Practically there are two points of failure. First, there is no officer, person, or body charged specifically with the duty of investigating and prosecuting the cases. Secondly, as such children have no estates out of which they may be maintained and educated, the court cannot find a guardian who will undertake the task at his own charge. Experience in such cases shows that it is difficult to induce neighbors to prosecute. The fear of revenge, the reluctance to attend court, a common belief that a child "belongs" to a parent, who has a right to do as he pleases with it, and sympathy for a mother deprived of her child, however depraved she may be, are prevailing motives which hinder the prosecution of such cases, and unless there is some person specially interested in pushing them, nothing will be done. The number of persons who will not only give the time and incur the annoyances, but also undertake a liability for court costs, pay counsel fee, and find a suitable person to act as guardian and maintain the child or children in such cases, is exceedingly small.

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The States of Michigan and Indiana are experimenting with statutes passed at recent sessions of their respective legislatures. The Indiana statute creates a board of six persons, three men and three women, appointed by the circuit court of the county, serving without pay, called "The Board of Children's Guardians." This board has the power to take under its control children under fifteen years of age who are abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually-drunken or vicious and unfit parents; children kept in vicious or immoral associations; children known by their language and life to be vicious or incorrigible; juvenile delinquents and truants. It provides a temporary home, where such children may be maintained and educated. Under order of the court such children may be indentured as apprentices, or be adopted without the consent of the parents, by the consent of the board, filed in the circuit court; or such children may be in any manner disposed of as the circuit court shall direct.

This board files a petition in the circuit court setting forth the facts, and the court issues a writ for the custody of the child, which is served upon the parent or person having actual custody of the child, or, if the child is under no actual custody, then upon the child itself; and upon this writ the board takes and keeps the child at the temporary home of the board until the final order of the court upon such petition. The parent, or person having custody of the child, has the right to call witnesses and be heard as to his or her right, fitness, and ability to care for and educate such child. If the statutory causes exist, the court orders that the child be committed to the custody of the board. The county pays twenty-five cents per day for each child in the care of the board, the remainder of the expense being made up by private contributions. The first board appointed under this new law for the city of Indianapolis organized for business April 6, 1889. The following is a statement of the work of the board up to November 30, 1889:

Number of complaints investigated by board			87
"	children involved		166
"	cases filed in circuit court		50
"	" won by board	21	
"	" lost "	12	
"	" settled by agreement upon a proper guardian	6	
"	" where parents have fled from the jurisdiction taking children	6	
"	" filed but not yet tried	5	
		—	50
"	children involved in cases filed		87
"	" placed in board's care	34	
"	" discharged	24	
"	" placed with proper guardians by agreement	11	
"	" fled from jurisdiction	9	
"	" not yet finally disposed of	9	
		—	87
"	" committed to board		34
"	" sent to homes	9	
"	" at Children's Home	14	
"	" at orphan asylums	4	
"	" at House of Good Shepherd (reformatory)	3	
"	" died	2	
"	" adopted	2	
		—	34
Amount expended by board			$992.01

Owing to the delays caused by want of funds and other causes, this board had not had more than five months of effective work. It proposes to find homes for the children as rapidly as possible, and not to keep them longer than absolutely necessary in the receiving institution.

From what has been said it will be perceived that the Indiana statute was drawn with direct reference to the chancery jurisdiction, the principal aim being to provide a body charged with the duty of prosecuting the cases, and also to supply a body to act as guardians and custodians of such children.

The Michigan statute was drawn from a project for a law upon this subject, which was pending before the French Chamber of Deputies, and from an extensive

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report on the subject by Senator Roussel. Every child under sixteen years of age who is ill treated by parent or guardian may be removed from such parent or guardian. An ill-treated child is declared to be one who is permitted to engage in public exhibitions as a gymnast, acrobat, or rider, in begging or in any occupation injurious to health or dangerous to life, or for any indecent, obscene, or immoral purpose, or to be in any dance-house, saloon, or variety theatre, or to engage in the sale of obscene books or papers or police reports; one whose parents or guardians permit the health of such child to be injured or endangered by exposure, want, or injury to his person, or permit him to engage in any occupation that will endanger his health or life or deprave his morals; one whose parents or guardians are habitual drunkards, prostitutes, thieves, or beggars. A sworn complaint must be filed before the probate judge, who issues a writ for the custody of the child. A hearing is had, and a jury of six may be demanded by the accused to find the facts. Upon a finding against the parent or guardian, the judge may appoint a suitable guardian for the child, who shall have the custody of it, or commit the child to the State School or deliver it to the superintendent of the poor, if it is over two and under twelve years of age, or not sound in mind or body, to be indentured to some suitable person or provided for by the county like other poor persons.

This act lacks one of the essentials referred to above—namely, the duty of executing it is not placed upon a particular person. Most of the powers, if not all of them, resided in the courts of Michigan before the passage of the act, but they were never invoked. It may be that, with the attention of the people drawn to the matter by the discussion and passage of the statute, some cases will be prosecuted and some good be done; but observation convinces me that thorough, effective work will be accomplished only by charging somebody with that special duty. The right to trial by jury is entirely superfluous, and will prove a hindrance to the effective administration of the statute. Such cases belong to the equitable jurisdiction. They are intrusted to the conscience and wisdom of the chancellor. They require the intelligence, wisdom, and firmness of a chancellor, and not the ignorant sympathy or prejudice of a petit juror.

Both these statutes lack a provision to compel the delinquent parents to contribute to the support of the child taken from them. How to make such a measure enforceable, unless the parents have property, is a difficult problem yet to be solved.

In Massachusetts a statute enacted in 1882 provides that selectmen of towns of 5,000 inhabitants shall appoint persons to make complaint concerning children under sixteen years of age who, by reason of the neglect, criminal conduct, drunkenness, or other vices of parents, or from orphanage, are without parental control and education and liable to lead idle and dissolute lives. A judge of a superior court or of a police, district, or municipal court, or a trial justice, may order such a child to an institution to be provided by the town, or the child may be committed to the custody of the Massachusetts Society for the Prevention of Cruelty to Children. If the parents reform, such child may be returned to them.

A statute enacted by the State of New York in 1886 confers upon societies for the prevention of cruelty to children the right to prosecute delinquent parents and to become guardians of children. Such societies are, however, voluntary corporations. Their number and efficiency in the city of New York is peculiar to that place, and there is, perhaps, no other city in this country where the same work could be so effectively carried on by voluntary private effort. The value of their work can be appreciated somewhat from the showing that, although the population has more than doubled in the last twelve years, and the number of arrests increased 8½ per cent., the number of children arrested for petty larcenies decreased from over 1,000 to about 300 a year, and about the same rate of decrease is observable in the arrests for juvenile delinquencies.

Other States are studying these laws and observing their operation, with a view to adopting similar statutes. It is along these lines that the best preventive of pauperism and crime will finally be worked out.

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